

# The Daily News Digest

Tuesday, September 28, 2010

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## DAILY NEWS DIGEST ARTICLES

September 28, 2010

### Section I: Region 6 Air Quality

#### **Leon Metz: Book gives insight into Smeltertown**

El Paso Times, 09/27/10

*Summary: El Paso without doubt has had more history than any community in the American Southwest. It has been the scene of wagon trains, railroads, camel experiments, gunfights, hostile Indians, Mexican revolutionaries, boundary surveys, border disputes, illegal crossings, Fort Bliss military activities, multiple presidential visits ... and the list goes on and on. But now comes a remarkable book delving into a saga long worth knowing about, a saga of headlines and controversy across two centuries, something hitting on a subject that every El Pasoan is familiar with: And that's what most of us would refer to as "Smeltertown."*

#### **Texas Is A National Leader In Cleaning Up Air.**

Willisms, 09/28/10

*Summary: Texas is the number one wind energy producing state in America. If Texas were its own country (don't get any ideas), we'd be among the top 5 or 6 wind energy producing countries. Texas also produces a fifth of the nation's crude oil, a fourth of the nation's fuel supply, a fourth of the nation's natural gas, roughly 60% of the nation's chemicals. The Texas Public Policy Foundation elaborates further...*

#### **Cap and trade plan stirs debate across N.M.**

AP, 09/26/10

*Summary: After driving more than 200 miles to Santa Fe, Matt Hinkle of Roswell hobbled down the auditorium walkway to the front of the nearly empty room. He jostled the chairs around to make room for his crutches and then laid out his opposition to a pair of proposals aimed at reducing greenhouse gas emissions in New Mexico. "From what I can see," he told a panel of state regulators, "the public in the state of New Mexico doesn't have a clue. ... They are completely uninformed as to what's going on. Really, in the end, they're going to be the ones paying for it." The New Mexico Environmental Improvement Board is considering two proposals — one from an environmental group and the other from the state Environment Department. The state's plan calls for a regional cap-and-trade program, and New Energy Economy wants to limit the emissions of the state's largest polluters — coal-fired power plants and the oil and gas industry.*

#### **BP, lawyer spar over claims of plant leak**

Houston Chronicle, 09/24/10

*Summary: A Houston lawyer is threatening to seek a court order to force BP to shut down and repair a unit at its Texas City refinery that the attorney alleges is leaking flammable material. BP said the claim is inaccurate, but did not explicitly deny the unit is leaking. In a letter sent to BP attorneys Friday, Tony Buzbee alleged that a four-day leak of hydrocarbons from the refinery's Pipestill 3A unit poses an "extreme hazard" to people inside and outside the plant. Buzbee said Friday afternoon he will petition the court on Monday if BP doesn't shut down the unit.*

### Section II: Hydraulic Fracturing

#### **Don Briggs: States have knowledge to regulate hydraulic fracturing**

Shreveport Times, 09/28/10

*Summary: While the offshore oil and natural gas industry is fighting for its survival under an outright shutdown of all operations in the Gulf of Mexico, there is growing concern over another major issue that could result in the destruction of the entire domestic oil and natural gas industry in this country. In recent years, the Environmental Protection Agency has been pressured by many "green" and anti-fossil fuel organizations to regulate hydraulic fracturing. Very briefly, the hydraulic fracturing process involves pumping water, sand and less than 1 percent of chemicals into the wellbore under high pressure.*

## **The Shale Game**

Why News and Information, 09/28/10

*Summary: If you look in Fort Worth in the Barnett Shale in Texas they have drilled 14,000 of these exact same wells in a 50 mile radius of the city of Fort Worth, and they have had no impacts on water, air quality. There have been complaints from Texas residents that their water supply was affected. The Environmental Protection Agency is soliciting input about research on fracking fluids. Previous work by the EPA was criticized as being biased toward the industry. EPA is still working out the details of this new study plan, but expects to have results in about two years.*

## **Crockett County, Texas: Permian Basin Update**

Shale News Blog, 09/27/10

*Summary: El Paso Corporation (EP) announced that it was the winning bidder for leases covering approximately 123,100 acres in Reagan, Crockett, Upton and Irion counties in the September 22, 2010 University of Texas lease sale. The acquired leases target the Wolfcamp shale and add to approximately 12,000 net acres of existing leasehold in this play. El Paso now has a material position in a new oil shale program with significant resource and production potential. "We are very excited to announce our entry into a promising new oil shale.*

## **Natural gas extraction tax urged**

Pittsburgh Tribune Review, 09/24/10

*Summary: A Rendell administration official and three Democratic lawmakers joined an environmental advocacy group at a town hall Thursday night in Fayette County calling for state legislators to follow through on a pledge to enact a tax on natural gas extraction by drillers from the Marcellus shale formation. PennFuture took its "Keep the Promise Tour" to a town hall at Penn State Fayette, The Eberly Campus last night before legislators' self-imposed Oct.1 deadline to adopt a possible severance tax as a key component of the state budget negotiations.*

## **Texas-based company 'paused' fracking work in Ark.**

AP, 09/22/10

*Summary: A Texas-based company that provides equipment and expertise for natural gas drillers has temporarily halted fracking work in north-central Arkansas but no layoffs have occurred, company officials said. Fracking refers to hydraulic fracturing, a process in which large amounts of liquid and chemicals are forcibly injected into a formation to break it up and allow natural gas to flow more freely. The Daily Citizen reported Wednesday that Fred Toney, president of Baker Hughes Pressure Pumping Services, said the company had "paused" fracking services carried out by its facility in Searcy, about 50 miles northeast of Little Rock.*

## **Section III: Oil/Natural Gas**

### **Poll: Depression Up 25 Percent Along Gulf**

AP, 09/28/10

*Summary: Americans who live along the Gulf Coast say they're more sad, worried and stressed out -- and report a quarter more cases of depression -- since the Deepwater Horizon oil spill, according to a new poll released today. The Gallup organization tabulated 25.6 percent more clinical diagnoses of depression in counties that border the Gulf of Mexico since the April 20th explosion that sparked America's worst-ever oil spill. Inland counties in gulf states counted 2.2 percent fewer diagnoses since then, and non-Gulf states had a slight increase in cases of 0.6 percent.*

### **EPA Administrator Addresses Concerns About Oil Spill Waste Management**

Washington Independent, 09/27/10

*Summary: At a hearing of the national oil spill commission today, Environmental Protection Agency Administrator Lisa Jackson addressed concerns about waste disposal from the oil spill. As I've reported, environmental justice groups have criticized the way waste from the spill is being disposed of, noting that much of it is being put in landfills near poor or minority communities.*

## **Enviro Groups Ignored Gulf Before BP Disaster**

Greenwire, 09/27/10

*Summary: Since the fiery sinking of the Deepwater Horizon rig last spring, environmentalists have scolded federal regulators for neglecting problems with offshore drilling in the Gulf of Mexico. They were right. But environmental groups ignored the Gulf, too. Focused on climate change and watch-dogging drilling in Alaskan waters, environmentalists were wary of upsetting a détente that blocked oil production on both coasts and the eastern Gulf of Mexico. They had ceded the drilling zone off Alabama, Louisiana and Texas as hostile territory. "The Gulf of Mexico was pretty much written off as a sacrifice zone," said Kieran Suckling, head of one of the country's most aggressive environmental litigants, the Center for Biological Diversity. "The focus was put on more pristine areas."*

## **Where's the oil? Still in the Gulf, scientists tell spill panel**

Fuel Fix, 09/27/10

*Summary: Marine scientists today disputed the Obama administration's assertion that most of the oil that flowed from BP's runaway well into the Gulf of Mexico has disappeared and is quickly degrading. More than half of the total oil discharged into the Gulf "is a highly durable material that resists further dissipation," said Ian MacDonald, a professor of oceanography with Florida State University. MacDonald spoke during a hearing of the national commission investigating the Deepwater Horizon disaster. Much of the oil is now buried, he said, but there is scant evidence that it degraded before being lodged under soil and sediment.*

## **Sandcastles OK on Fla. beach; digging for oil not**

AP, 09/27/10

*Summary: At the height of summer, tar balls and paddies of oil were rolling ashore along the Florida Panhandle. Months later, sand castles are being built and swimmers frolic in the water, even though crude lies buried beneath the white sands. Despite lingering concerns about the hidden oil from BP's massive spill, sand-sculpting artists were etching masterpieces in a weekend competition designed to boost tourism and erase the images of oil-stained beaches. "The media about the oil spill could give you an impression that all beaches were negatively affected. I don't think it's that bad. I think things have been cleaned up," said sand artist Katie Corning of Fort Meyers Beach. "Many of the sculptors coming here this weekend live along the Gulf Coast and are concerned about letting people know that the beaches are healthy and beautiful."*

## **BP's moves spur concerns**

Baton Rouge Advocate, 09/27/10

*Summary: Engineering experts probing the Gulf of Mexico oil leak exposed holes in BP's internal investigation as the company was questioned Sunday for the first time in public about its findings. BP's lead investigator acknowledged that the company's probe had limitations. Mark Bly, head of safety and operations for BP PLC, told a National Academy of Engineering committee that a lack of physical evidence and interviews with employees from other companies limited BP's study. The internal team only looked at the immediate cause of the April disaster, which killed 11 workers and unleashed 206 million gallons of oil into the Gulf.*

## **Drilling ban analysis due out a month early**

AP, 09/27/10

*Summary: The government agency in charge of offshore drilling will weigh in ahead of schedule on whether a ban on new deepwater wells should be lifted. The chief of the Bureau of Ocean Energy Management, Michael Bromwich, told an investigative panel Monday that he is a month ahead of schedule in issuing a report on the ban. It's due to Interior Secretary Ken Salazar in late October.*

## **DOJ Refuses to Revoke BP's Probation Over Safety Violations at Texas City Refinery**

Truth-out.org, 09/27/10

*Summary: The Department of Justice (DOJ) has refused to pursue a probation revocation case against BP after the company was found to have violated its March 2009 felony judgment order, which required BP to fulfill the terms of a settlement agreement it entered into with government regulators five years ago to make certain safety upgrades at its Texas City refinery by September 2009, according to documents obtained by Truthout.*

## **Oil gusher is dead, but not residents' anguish**

AP, 09/27/10

*Summary: Her income down to virtually nothing because of the BP oil spill, Margaret Carruth put her face in her hands and wept recently at a town hall meeting before walking outside to what passes for home these days, her blue pickup truck. Xanax helps her rest. Still, it's hard to relax when you've lost your house and are sleeping at friends' places or, sometimes, in the front seat. The oil gusher is dead, but the mental trauma it caused along the Gulf of Mexico coast is still very much alive.*

## **Panel: Lowballing oil spill number akin to Custer**

AP, 09/27/10

*Summary: The head of a White House-appointed panel examining the BP oil spill compared the federal government's underestimate of the spill's size to Gen. George Custer's fatal lowballing the number of Indians at Little Big Horn. The two co-chairmen of the national oil spill commission on Monday said early government estimates caused the public to lose trust in what it was being told. The spill was about 60 times bigger than first estimated.*

## **BP investigation limited, executive says**

AP, 09/27/10

*Summary: Engineering experts probing the Gulf of Mexico oil spill exposed holes in BP's internal investigation as the company was questioned Sunday for the first time in public about its findings. BP's lead investigator acknowledged that the company's probe had limitations. Mark Bly, head of safety and operations for BP, told a National Academy of Engineering committee that a lack of physical evidence and interviews with employees from other companies limited BP's study. The internal team only looked at the immediate cause of the April disaster, which killed 11 workers and unleashed 206 million gallons of oil into the gulf.*

## **Allen: Third party needed in oil spill response**

AP, 09/27/10

*Summary: The federal official running the BP oil spill response is proposing a third party to represent polluters to correct the perception that the company is in charge of cleaning up its own mess. Incident Commander Thad Allen told the national oil spill commission that BP in no way tried to short-change costs, even though the public and politicians thought the company did. He proposed that someone from the oil industry could represent the polluter in future spills, instead of the company at fault, and eliminate the possible conflict of interest. Twice Billy Nungesser — president of Plaquemines Parish, one of the Louisiana parishes affected by the spill — told the oil spill commission that he still doesn't know who is in charge.*

## **BP, Missouri company develop new technology**

PressReleases.kcstar.com, 09/26/10

*Summary: New technologies developed during BP's Deepwater Horizon Response will forever change the way oil spills are responded to. Gulf Coast Environmental Resources, LLC., lead by Tim Pedigo and Greg Huntsman has developed a new technology to automatically decontaminate oil containment boom. Millions of feet of containment boom were deployed during the 2010 Gulf Oil Spill to protect sensitive shoreline areas such as the coastal marsh, seabird nesting areas, marinas and marine wildlife areas.*

## **Action sought to repair Gulf Coast**

Houma Today, 09/26/10

*Summary: Eighty percent of the fines BP will pay in the wake of the Deepwater Horizon oil spill should go to a fund that would help Gulf states repair and restore their coasts, a new report recommends. A coalition of environmental and energy-industry groups gave Congress dozens of recommendations last week aimed at reviving and enhancing the coastal states' economies, cultures and natural resources. "Along with the serious impacts this region has incurred due to the Deepwater Horizon spill are opportunities as well," said R. King Milling, chairman of the America's Wetland Foundation. "Through both economic initiatives and environmental-restoration efforts, there is real potential to make this coast more resilient and sustainable. The report highlights these opportunities and calls for actions to make them reality."*

## **New phase of Gulf oil hunt begins**

Houma Today, 09/25/10

*Summary: As the BP oil-spill cleanup continues on some local waters, questions persist about the effects of crude that has disappeared under the surface. Residents who live closest to affected marshes, especially American Indians who live off the land and water, say they fear development of oil plumes that could foul traditional fishing grounds and result in empty freezers as winter approaches. But scientists using sophisticated instruments capable of discovering the presence of oil down to parts per billion say so far the news is good. Any residual surface oil residents might see is just weathered, old oil that drifted onto local waters back before the Deepwater Horizon well's flow was shut down in July.*

## **Section IV: Other**

### **Navajo Nation Asks U.S. Supreme Court To Reverse New Mexico Uranium Ruling**

BNA's Daily Environment, 09/28/10

*Summary: Members of the Navajo Nation have asked the U.S. Supreme Court to overturn a license to mine uranium on tribal lands in New Mexico, mining the petitioners say could expose them to unhealthy levels of radiation (Morris v. NRC, U.S., No. 10-368, 9/15/10). Eastern Navajo Dine Against Uranium Mining and others on Sept. 15 challenged a March 8 opinion by the U.S. Court of Appeals for the 10th Circuit, which upheld a license granted to Hydro Resources Inc., a non-Indian mining company, for operations in the Navajo Nation's Church Rock and Crownpoint chapters in McKinley County, N.M. (Morris v. NRC, 598 F.3d 677, 70 ERC 1097 (10th Cir., 2010); 45 DEN A-6, 3/10/10).*

### **US EPA to regulate dental mercury waste**

International Business Times, 09/28/10

*Summary: The U.S. Environmental Protection Agency (EPA) will propose a rule next year to reduce mercury waste from dental offices. The proposed rule to be finalized in 2012 is a reversal of Bush-era EPA policy that allowed dentists to take a voluntary approach to installing devices that separate out the mercury from old fillings, recycle and reuse it. "We welcome EPA's proposal to end the Bush-era midnight deal allowing dentists to pollute until they enacted voluntary pollution prevention initiatives - which never substantially materialized," said Michael Bender, director of the Mercury Policy Project and a steering committee member of the National Mercury Products Campaign.*

### **Crews begin debris removal at Corpus Christi Beach blast site**

Corpus Christi Caller, 09/27/10

*Summary: Beneath large piles of charred wood, bent metal and shattered glass, may lie the answer to an explosion. Fire investigators have resumed their investigation into the Sept. 16 blaze blast at the Aquarium Inn & Suites on Corpus Christi Beach. Heavy rains last week delayed the work. City investigators have been focusing on natural gas as the possible cause, investigators said.*

### **WEF Starts Conference with New Orleans Community Service Project**

EPOnline.com, 09/27/10

*Summary: The Students and Young Professionals Committee of the Water Environment Federation (WEF) is managing the construction of a bioswale in the Lower Ninth Ward of New Orleans, kicking off activities for WEFTEC10, which is scheduled for Oct. 2-6. Representatives from WEF and local dignitaries, including Charles E. Allen III, director of New Orleans' Mayor Landrieu's Office of Environmental Affairs, are expected to share their vision for environmental protection and community service during the opening ceremony and groundbreaking. Coordinators of the project are Global Green and Groundwork New Orleans.*

### **Texas Tech to host Society of Environmental Journalists**

FOX34 News KJTV, 09/27/10

*Summary: Texas Tech is landing an impressive gathering. The Society of Environmental Journalists will convene in Lubbock in 2012. The group is rather selective; choosing only major research universities in the past. Dr. Ron Kendall played a major role in getting the conference to Lubbock.*

## **Richardson homeowners ask city to approve rainwater irrigation system**

Dallas Morning News, 09/27/10

*Summary: As homeowners become more environmentally conscious, they are leading cities into unfamiliar territory. In many cases, people are bringing centuries-old practices, such as collecting rainfall, into modern urban and suburban areas. Regulations developed for suburbia weren't written with that in mind, sometimes resulting in red tape as cities catch up with emerging trends. That's the case in Richardson, where a resident wants to collect rainwater for landscape irrigation. Because rain harvesting systems aren't specifically allowed in the city's code, the only route was to seek zoning approval. It's a time-consuming and sometimes costly process that puts people at the mercy of the Plan Commission and the City Council.*

## **At a glance: EPA rainwater report**

Dallas Morning News, 09/27/10

*Summary: The U.S. Environmental Protection Agency in 2008 published a report on the use of rainwater in households and commercial buildings. It said a barrier to using the resource was a lack of local policy on the issue. It recommended cities and states: Specify rainwater as a supply source. Otherwise, it is often treated as reclaimed "graywater," which has tight restrictions on its use; Specify permitted uses for rainwater, such as irrigation, toilet flushing and vehicle washing. Also provide a permitting and testing process if rain is to be filtered and used as potable water; Detail requirements for water systems, such as storage standards, filtration, preventing backflow into treated water supply, and signage; Establish a permit application process for harvesting systems but exempt rain barrels.*

## **Bitter climate puts energy ideas on ice**

Houston Chronicle, 09/27/10

*Summary: For two years, energy industry leaders and environmentalists have implored Congress and the Obama administration to deliver on promises to wean the U.S. off foreign oil. But plans to expand offshore drilling, cap greenhouse gas emissions and use federal dollars to spark a nuclear power renaissance have collapsed on Capitol Hill amid partisan bickering and entrenched regional disputes. The window for passing any sweeping energy proposals now has closed — and those big ideas aren't likely to go anywhere during Obama's first term in the White House. "Congress is going to tiptoe through this issue more than they have the last few years," said Jim DiPeso, policy director for Republicans for Environmental Protection, an advocacy group. "There will probably be more piecemeal attempts to deal with energy issues, rather than an all-encompassing magnum opus."*

## **Is the EPA America's Secret Economic Weapon?**

Environmental News Network, 09/27/10

*Summary: Do you remember the story of the tortoise and the hare? The tortoise won the race because he ran the whole race, taking the long view, seeing the big picture, unlike the rabbit who, given his speed, didn't see the need. While China seems to be roaring ahead right now with unchecked economic expansion, the significant environmental challenges they are accumulating will eventually catch up with them. The International Fund for China's Environment estimates that the cleanup of this mess will cost well over \$100 billion annually, more than 2% of their GDP. In fact, the Academy for Environmental Planning estimates that back in 2004 China spent over 3% of their GDP on environmentally related costs and in 2007, according to the World Bank, that number was 6%. Considering that the entire US defense budget (\$771 billion last year) represented only 5.5% of our GDP that gives you some idea of the magnitude we're talking about.*

## **Inventors follow bliss by following molecules**

Jonesboro Sun, 09/27/10

*Summary: Two Arkansas State University inventors have received a U.S. patent for an apparatus designed to detect trace quantities of gases in the atmosphere. Dr. Susan Davis Allen, director of the Arkansas Center for Laser Applications and Science and distinguished professor, and Dr. Scott Reeve, senior scientist with ACLAS and chemistry professor, were awarded a method and apparatus patent in August for "multi-color cavity ringdown-based detection."*

## **Airport seeks federal aid for cleanups**

Daytona Beach News-Journal, 09/27/10

*Summary: Officials at Daytona Beach International Airport like to look ahead, hoping to secure new airlines and aviation-related businesses to expand airport services. But, a few old problems continue to demand their attention. So, while proceeding with plans to repave the main runway, airport owner Volusia County copes with issues dating back to World War II, conducting environmental cleanups at three locations.*

## **Chinese Drywall Complaint Center Says Identifying Knauf Tianjin Or Taishan Chinese Drywall Must Be #1 Priority For All 2005-2006 US Gulf States Homeowners**

PRWeb.com, 09/27/10

*Summary: The Chinese Drywall Complaint Center is saying, "if you live in a 2005-2006 new, or remodeled home in Florida, Alabama, Mississippi, Louisiana, and or the metro areas of Houston, or Austin, Texas, if you have had repeated AC coil failures, you very easily could have Chinese drywall, or specifically Knauf Tianjin, or Taishan Chinese drywall, and we need to get you identified now."According to the group, " Shandong Taihe Dongxin,changed its name on September 10, 2007, to Taishan Gypsum. What a coincidence!"*

## **Boynton officials sought control over grants**

Tulsa World, 09/26/10

*Summary: Officials in Boynton - a town entangled in a nepotism controversy and alleged violations of the Open Meeting and Open Records acts - have made efforts this year to gain direct control over federal grants to improve the town's overflowing sewer system and operate the volunteer fire department. The town of 274 was awarded a \$70,000 Community Development Block Grant through the state Department of Commerce earlier this year to make sewer system improvements, records show.*

## **GM food battle moves to fish as super-salmon nears US approval**

The Observer, 09/26/10

*Summary: Buried in a prospectus inviting investors to buy shares in a fledgling biotech company is an arresting claim attributed to the UN's Food and Agriculture Organisation. "Commercial aquaculture is the most rapidly growing segment of the agricultural industry, accounting for more than \$60bn sales in 2003. While land-based agriculture is increasing between 2% to 3% per year, aquaculture has been growing at an average rate of approximately 9% per year since 1970."*

## **Brad Pitt's Make It Right houses are challenging the way New Orleans homeowners think about solar energy**

NOLA Times-Picayune, 09/26/10

*Summary: Before settling back on Tennessee Street, Ann Parfaite heard from neighbors that her future home, loaded with green building features like solar panels and rain-water collectors, would help cut her electricity bills by a third or more. "I was hoping they were telling me the truth," said Parfaite, who purchased a three-bedroom, two-bath home last year in Brad Pitt's Make It Right development in the Lower 9th Ward, built in the same place Parfaite had lived for more than four decades until her home was destroyed when Hurricane Katrina hit New Orleans five years ago,*

## **Dioxin rules could hurt recovery**

Houston Chronicle, 09/26/10

*Summary: In San Antonio for a conference concerning the family of chemicals called dioxins and discussed new research and public policy implications. Meanwhile, back in Washington, D.C., the U.S. Environmental Protection Agency is using a regulatory approach to dioxin to try to answer the question, "How many bureaucrats does it take to crush a recovery?" The EPA is trying to test this question with new proposed regulations that would change existing standards related to dioxin in dirt, making them hundreds of times stricter than those that have been used in the past for cleaning up Superfund and other contaminated sites.*



## **Learning from; Revisiting the Arkansas River's past**

Tulsa World, 09/26/10

*Summary: Mayor Dewey Bartlett's new plan to pursue Arkansas River development ensures that Tulsa's long, troubled love affair with the river will continue into the foreseeable future. To be sure, lots has been done along our sleepy, prairie river. It's been transformed from an uninviting, even scary place to one of the region's most popular destinations. But lots more could be done, if Tulsans could just get together on a big-picture plan. It seems we Tulsans just have a commitment problem when it comes to our river. In announcing his river crusade, Bartlett alluded to our checkered history of achievement. "Let us learn from what did not work before and try once again to harness the natural beauty that graces our doorstep," he said. Good idea. Let's look back and see what we can figure out.*

## **N.M. plans to create state-run wild horse preserve**

AP, 09/26/10

*Summary: attle grazed for decades on the Ortiz Mountain Ranch and its rocky range dotted with pinion, juniper and cholla cactus, but New Mexico plans to bring back another inhabitant that has disappeared from much of the Western landscape -- wild horses. Gov. Bill Richardson's administration is buying the 12,000-acre ranch near this former coal mining town to create the first state-run preserve for wild horses. The proposal is drawing praise from activists trying to save wild horses, but it has run into opposition because of Richardson's idea for financing the deal. He intends to spend \$2.8 million in federal economic stimulus money to acquire the land.*

## **2010 The Vote: Energy Q&A**

San Angelo Standard-Times, 09/25/10

*Summary: The following questions related to energy issues relevant to Texas were asked of both candidates: Placement of wind generators has been divisive in some communities where some residents welcome them as revenue producers and others oppose them as eyesores that devalue property. What role should the state take in regulating placement and removal of these structures?*

## **Renewable Energy Conference on Wind Power: Registration is Open to the Public**

PRWeb.com, 09/24/10

*Summary: The Wind Alliance will hold its Fall 2010 Conference in Albuquerque, New Mexico on November 3-4, 2010. The conference will feature a unique networking dinner at the Albuquerque Museum of Art and History, with cocktails and a Latin trio for entertainment. The focus of the conference is to update attendees on wind research activities from the U.S. National Labs. Collaborative opportunities within workforce, technology and infrastructure will be presented and discussed at the conference.*

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## Leon Metz: Book gives insight into Smeltertown

by Leon Metz / Special to the Times

Posted: 09/27/2010 12:00:00 AM MDT

El Paso without doubt has had more history than any community in the American Southwest. It has been the scene of wagon trains, railroads, camel experiments, gunfights, hostile Indians, Mexican revolutionaries, boundary surveys, border disputes, illegal crossings, Fort Bliss military activities, multiple presidential visits ... and the list goes on and on.

But now comes a remarkable book delving into a saga long worth knowing about, a saga of headlines and controversy across two centuries, something hitting on a subject that every El Pasoan is familiar with: And that's what most of us would refer to as "Smeltertown."

It is still there; it still rocks with controversy.

Yet, now there is a change. A young El Paso lady named Monica Perales has written a remarkably fine book titled "SMELTERTOWN: MAKING AND REMEMBERING A SOUTHWEST COMMUNITY."

The book is available in both hard- and soft-cover. It has 333 pages, plus photos, footnotes, and index, etc. The author even includes a walking tour of the region, as well as the plant.

But bear in mind that this is not just a story regarding the smelter. It is also in part a story of El Paso, as well as Ciudad Juárez; of residents as well as a community, plus management, labor, the Rio Grande, a stream of politics, the 1910-1920 Mexican Revolution and its influence on Asarco, plus today's environment, time's possible aftermath ... and on and on and on.

In fact, this story not only starts at the beginning, it doesn't end

until it reaches the present time and outlines much of the smelter's present-day problems as well as its possible solutions.

And in all this we even get a little of Pancho Villa, as most of our local readers have never known that Pancho and three of his men spent a few months inside that Asarco plant prior to leaving and re-commencing the Mexican Revolution south of the border.

As for their jobs inside the plant, presumably all these revolutionaries, including Villa, were laborers. But Villa and his men worked at Asarco only a brief time, finally resigning and crossing the Rio Grande around 1910, all seeking plunder as well as further adventures to the south in a Mexican nation already undergoing the stress of a revolution just now settling into its infancy.

And interestingly, the author not only tells about the revolution and its effect on the smelter, she hits on truths much more significant to our day and time.



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Through Smeltertown, the author explains the making and the memory of a Southwest border community. She does not ignore other problems such as poverty. There are chapters titled "Mexican Workers in A Border Community."

So some of the Hispanic present-day regional and local troubles, difficulties and misunderstandings all get frequently probed in this book.

Asarco, after all, may be an El Paso product, but it is also an international connecting rod -- a touchstone in a Southwestern/Texas/Mexican universe that calls upon all nationalities to recognize that we are not two people; we are one people.

And this book will explain it all.

With a subtitle like, "MAKING AND REMEMBERING A SOUTHWEST BORDER COMMUNITY," this book offers a unique way of explaining and digging into the past, of not only uncovering a new slant on local and regional history, but finding, appreciating and understanding the new slant we also find on ourselves.

*Leon Metz, an El Paso historian, writes often for the El Paso Times. E-mail: cmetz48888@aol.com*

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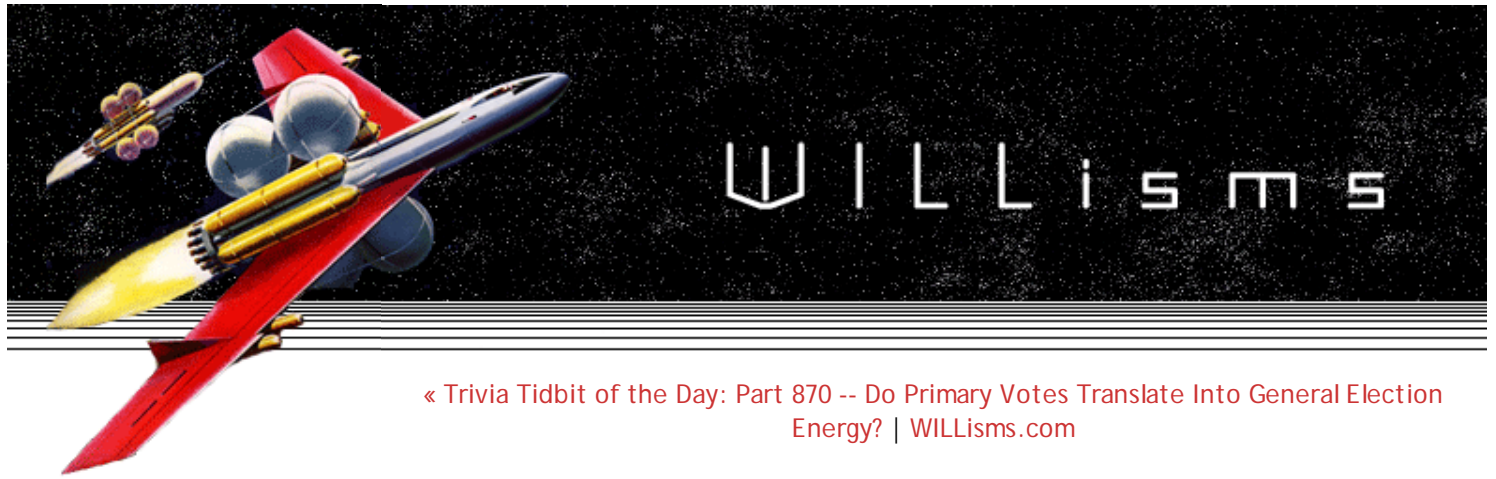
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## Trivia Tidbit of the Day: Part 871 -- Texas Is A National Leader In Cleaning Up Air.

### EPA Overreach Threatens Texas Progress-

Texas is the number one wind energy producing state in America. If Texas were its own country (don't get any ideas), we'd be among the top 5 or 6 wind energy producing countries. **Texas also produces** a fifth of the nation's crude oil, a fourth of the nation's fuel supply, a fourth of the nation's natural gas, roughly 60% of the nation's chemicals.

The Texas Public Policy Foundation **elaborates**:

Over the last decade, as the Texas population grew by over 4 million people and the state economy grew by a rate of 40 percent, Texas air quality dramatically improved—thanks in large part to the FPP. The Houston region, in years past vying with Los Angeles as the most ozone-polluted part of the country, reduced ozone levels from 119 parts per billion (ppb) in 1999 to 84 ppb in 2009. The home of the nation's largest petrochemical industrial complex, Houston, TX, met the still legally binding 85 ppb federal ozone standard.

In spite of the evidence that it is working, EPA decided that the Texas Flexible Permitting Program violates the Federal Clean Air Act (CAA).

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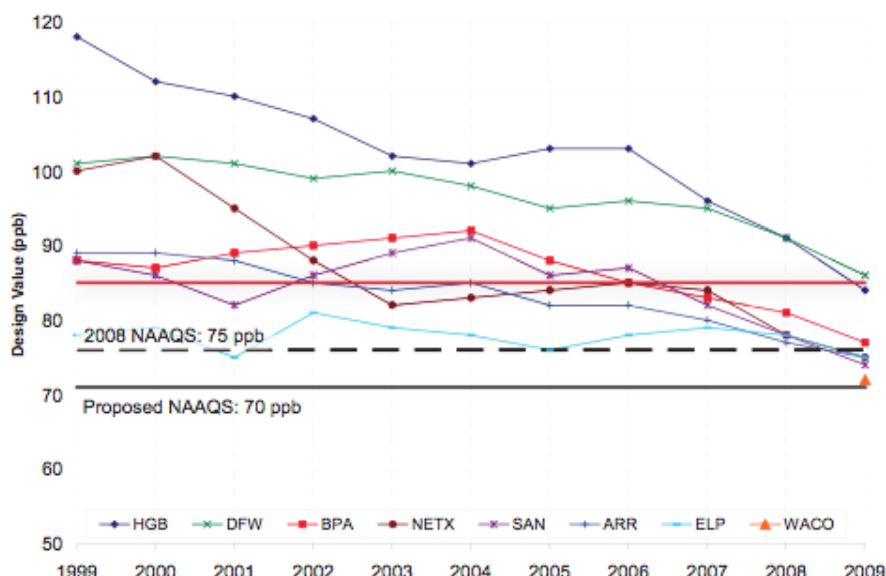
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## Eight-Hour Ozone Design Values by MSA



Texas has become a national leader in effective and innovative environmental programs. From 2000-08, Texas lowered nitrous oxides (NOx) levels by 46 percent and ozone levels by 22 percent. Over the same period, national NOx levels fell by only 27 percent and ozone levels declined by only 8 percent.

The EPA needs to stop messing with Texas. We're adding 4 new Congressional seats. Our economy is the most robust of any large state. More jobs. Fewer bankruptcies and foreclosures. And one of the best improvements in our air quality.

For federal government bureaucrats, process and control matter more than results.

**Previous Trivia Tidbit:** [Do Primary Votes Translate Into General Election Energy?](#)

Posted by Will Franklin · 27 September 2010 04:19 PM

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This November 2009 photo shows the coal-fired San Juan Generating Station near Farmington. The New Mexico Environmental Improvement Board is considering separate proposals by the state Environment Department and the group New Energy Economy that aim to curb greenhouse gas emissions from the plant and dozens of other facilities in New Mexico. - Susan Montoya Bryan/The Associated Press



## Cap and trade plan stirs debate across N.M.

Susan Montoya Bryan | The Associated Press  
Posted: Sunday, September 26, 2010 - 9/27/10

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After driving more than 200 miles to Santa Fe, Matt Hinkle of Roswell hobbled down the auditorium walkway to the front of the nearly empty room. He jostled the chairs around to make room for his crutches and then laid out his opposition to a pair of proposals aimed at reducing greenhouse gas emissions in New Mexico.

"From what I can see," he told a panel of state regulators, "the public in the state of New Mexico doesn't have a clue. ... They are completely uninformed as to what's going on. Really, in the end, they're going to be the ones paying for it."

The New Mexico Environmental Improvement Board is considering two proposals — one from an environmental group and the other from the state Environment Department. The state's plan calls for a regional cap-and-trade program, and New Energy Economy wants to limit the emissions of the state's largest polluters — coal-fired power plants and the oil and gas industry.

While supporters say something needs to be done to combat climate change, critics are asking what cap and trade will end up costing New Mexico, a rural state where oil and gas contributes millions to state coffers, where small communities depend on mom-and-pop businesses and where a love for the land is shared by everyone from ranchers and environmentalists to Gov. Bill Richardson.

It's up to the seven board members to sift through days of testimony and 6,000 pages of documents before deciding whether carbon regulations can be woven into New Mexico's economic and cultural fabric.

The board is in the middle of a two-week hearing in Santa Fe on the state's proposal.

"It's a lot of work, but we take this seriously," board chairwoman Gay Dillingham said.

New Mexico's power plants and the oil and gas industry pump about 24 million metric tons of carbon emissions into the air each year. The state aims to curb the emissions of those that emit 25,000 metric tons or more, which roughly equals the annual emissions of 5,000 cars.

State officials say 63 facilities would fall under the rule, but that number could grow, as the Environment

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Department says it would eventually look to expand the scope of sources and emissions to account for industrial, commercial and residential buildings as well as transportation fuels.

Jim Norton, director of the department's Environmental Protection Division, said this is the first step to getting a handle on New Mexico's emissions.

"We have a serious problem that we're facing in New Mexico and the world," Norton said. "In New Mexico, we're looking at hotter temperatures, reduced snowpack, more forest fires, less water in our streams and health impacts. The effects are just really severe and in a dry state like New Mexico, we're going to get hit harder."

But Hinkle and other critics argue that New Mexico's emissions are only a fraction of the global problem and that handicapping the state's businesses with another regulation could prove economically disastrous.

Armies of lawyers from all sides have been debating the economics for much of the week. State experts contend coal and refining industries would be negatively impacted but the overall cost to New Mexico's economy would be very small if the board approved the cap-and-trade plan.

Attorneys for the opposition tried to poke holes in the economists' predictions.

"A big question mark is what it is in terms of the true impacts on the state," said Karin Foster, an attorney for the Independent Petroleum Association of New Mexico.

Both Public Service Company of New Mexico, the state's largest electric utility, and Colorado-based Tri-State Generation and Transmission Association Inc., which provides power to rural co-ops, say there will be costs to comply with the proposed regulations and those costs will have to be passed on to customers.

Officials in more than a dozen rural counties along the New Mexico-Arizona border are also concerned about the potential impacts.

"We keep putting these burdens on our rural communities, on agriculture, on mining, on our productive sectors in this state, and we're going to break their backs and everything that the urban consumer depends on is either going to disappear or skyrocket in price, from food to electricity," said Howard Hutchison of the Coalition of Arizona/New Mexico Counties For Stable Economic Growth.

"There's a lot riding on it," he said.

Dozens of environmental groups and New Mexico residents who have testified on behalf of the proposals agree that this is an important issue. They say industry is overreacting and that regulators need to take steps to mitigate public health concerns and environmental degradation from unchecked pollution.

Judy Williams, a Santa Fe resident and member of the League of Women Voters, urged regulators to protect New Mexico's blue skies for future generations.

"Business as usual is not sustainable," she said.

Supporters also say this is New Mexico's chance to be a leader, something Richardson has pushed for since rolling out his emissions reduction goals in 2005. Even though climate legislation has stalled on the federal level, department experts testified that other states are also considering some form of climate regulations.

Farmington City Councilor Jason Sandel said he's worried New Mexico is being treated like a "lab rat," and that cap and trade would push jobs and investment dollars to neighboring states.

Sandel and supporters of the proposals have been busy urging more people to testify before the board.

Hinkle said it was important for him to be at the hearing. He said he wanted to speak for the grandmothers, the plumbers and the school teachers who can't make the trip to Santa Fe and those who have yet to hear about the debate.

He pointed to the sparse crowd, suggesting there would be standing room only if people knew their utility bills could be impacted.

"If you had an informed public, they would be here," he said. "It's not good policy to set policy when the public is uninformed."

Norton said the state has "bent over backward" to make the process accessible to anyone who's interested.

"Is New Mexico really represented? I think so. It's a good process," he said.

## BP, lawyer spar over claims of plant leak

 By **MONICA HATCHER** Copyright 2010 Houston Chronicle

Sept. 24, 2010, 11:17PM

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A Houston lawyer is threatening to seek a court order to force BP to shut down and repair a unit at its Texas City refinery that the attorney alleges is leaking flammable material.

BP said the claim is inaccurate, but did not explicitly deny the unit is leaking.

In a letter sent to BP attorneys Friday, Tony Buzbee alleged that a four-day leak of hydrocarbons from the refinery's Pipestill 3A unit poses an "extreme hazard" to people inside and outside the plant.

Buzbee said Friday afternoon he will petition the court on Monday if BP doesn't shut down the unit.

In a strongly worded statement, BP suggested the situation is none of Buzbee's business.

"There is no need for Mr. Buzbee to be involved in this matter and no need for him to go to court," BP spokesman Michael Marr said in an e-mail. "Galveston County citizens and community leaders should be skeptical of claims by a lawyer with a presumed financial motive to make them. The fact that Mr. Buzbee sent his letter to the press at the same time as he sent it to BP suggests that publicity may be another goal."

Marr said the company has advised regulatory agencies about the status of the equipment discussed in Buzbee's letter — which he copied to the U.S. Environmental Protection Agency, the Galveston County district attorney, the county health district, the Texas attorney general, the Texas Commission on Environmental Quality and the U.S. Occupational Safety and Health Administration.

"This company, which has the worst safety record in the U.S.'s recent past, has a gas leak right now at its plant that has been leaking since Tuesday that could cause an explosion. Did they deny it? No. Did they deny they refuse to shut down to fix it? No," Buzbee said in an e-mail to the Chronicle on Friday.

OSHA said it is looking into the situation.

OSHA said it is looking into the situation.

Citing clients who work at the refinery, Buzbee said the leak grew during the week and is now apparent to the naked eye, not just to monitoring equipment.

Not all leaks and releases require public disclosure, and BP had not reported a leak to the Texas Commission on Environmental Quality as of Friday afternoon, according to the commission's public database.

BP's Texas City refinery has had a string of unpermitted releases this year, including one that lasted 40 days in April and May that let out 17,000 pounds of benzene. Thousands of Texas City residents have joined class-actions filed by Buzbee and other lawyers, alleging the residents were sickened by toxic fumes. Texas Attorney General Greg Abbott also has sued the company over the "excessive emissions event."

On Wednesday, two workers suffered serious burns when working on the refinery's Pipestill 3B unit, which is near the one Buzbee says is leaking. Both were taken to hospitals for treatment. OSHA said it is investigating the incident.

BP also has paid millions in civil settlements and penalties, and pleaded guilty to a felony violation of the Clean Air Act, in connection with a 2005 explosion at the Texas City plant that killed 15 workers.

[monica.hatcher@chron.com](mailto:monica.hatcher@chron.com)


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## Don Briggs: States have knowledge to regulate hydraulic fracturing

SEPTEMBER 28, 2010

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While the offshore oil and natural gas industry is fighting for its survival under an outright shutdown of all operations in the Gulf of Mexico, there is growing concern over another major issue that could result in the destruction of the entire domestic oil and natural gas industry in this country.

In recent years, the Environmental Protection Agency has been pressured by many "green" and anti-fossil fuel organizations to regulate hydraulic fracturing.

Very briefly, the hydraulic fracturing process involves pumping water, sand and less than 1 percent of chemicals into the wellbore under high pressure. At nearly two miles below the surface, the mixture is forced out through perforations in the production casing into the targeted rock formation. This pressure inevitably results in the fracturing of the geological formation. The ultimate goal of the process is to create a "fairway" connecting the reservoir to the well and allow the released natural gas to flow to the wellbore.

Environmentalists argue that the fracturing process can contaminate water supplies and should be regulated by the federal government under the Safe Drinking Water Act. Currently, hydraulic fracturing is closely and effectively regulated by state agencies.

Bob Anthony, Oklahoma Corp. commissioner, said in an address to the National Association of Regulatory Utility Commissioners in July, "In my 20 plus years as a commissioner, I can't think of anything that can compare to the all-out assault on hydraulic fracturing by groups that are obviously using it to put a stop to the tapping of America's abundant natural gas supplies."

Over the more than 60 years of use and nearly 1 million wells that have been drilled in the United States with this process, hydraulic fracturing is a technology that has been proved by experience to be safe and effective. The Environmental Protection Agency and state regulators have studied the potential impacts of hydraulic fracturing on underground drinking water sources and have found no confirmed evidence of any contamination of drinking water wells in connection with hydraulic fracturing operations.

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# WHYY News and Information

## Health + Science



### The Shale Game Part 2: Water

Tuesday, September 28th, 2010

By: **Kerry Grens**  
kgrens@why.org

Natural gas has been trapped deep below the surface of Pennsylvania for eons. But only in the past two years has the industry begun in earnest to tap the rich gas reserves of the Marcellus Shale — a layer of rock thousands of feet down that runs from New York to West Virginia. Gas companies sunk nine hundred wells into the Pennsylvania Marcellus this year. With this new area in play, residents have a lot of questions. The most frequently asked: what will be the impact on their water. In part two of our series *The Shale Game*, WHYY's health and science reporter Kerry Grens searches for the answer.



**Krafjack:** We have carrots here. Spinach is done. There's scallions, two kinds of lettuce, beets...

Emily Krafjack's garden in Mehoopany Pennsylvania offers a panoramic view of Wyoming County. A bright red barn, horses munching grass, and off in the distance, a crease in the hillside where the Susquehanna River courses through. Four hundred feet down the road from her house, a gas company recently laid out a well pad and starting digging a well that will reach thousands of feet into the earth.

**Krafjack:** You stand up there at the well site and look at the house. It's very close. [Laughs] It don't look so bad from this view.

A year ago, before the construction began, Krafjack had noticed that gas company trucks were gathering at her neighbor Jim's house.

**Krafjack:** I knew something was up. At a township meeting that night he pulls me aside and says they're putting a well pad across the road from your house. And the first thing I said was, Jim, what about my water?

Krafjack had heard [horror stories](#) of people who could light their taps on fire, rivers that ran salty, and spills of hazardous chemicals — all due to natural gas drilling. She decided to have her well water sampled before the drilling began, so she could monitor any changes.



The view from Emily Krafjack's property in Mehoopany, Pennsylvania.



Emily Krafjack decided to continue testing her well water as a natural gas well is constructed 400 feet from her house.

**Krafjack:** We haven't had any problems with any of the water since they drilled. I was expecting some sediment or something during the drilling process. But we had nothing.

**Grens:** Do you feel secure or will you continue to test?

**Krafjack:** Oh, I'll continue to test. I know they're going to start fracking soon and so maybe after that we'd be looking at testing.

Fracking — short for hydraulic fracturing — sends a blast of sand and fluids in the well bore to crack open the shale and release gas deposits. The process is unnerving for some residents, because the fluid includes dozens of chemicals.

Theo Colborn is the president of the environmental research organization called The Endocrine Disruption Exchange, which has been an outspoken critic of gas industry drilling practices — particularly, fracking.

**Colborn:** We've been trying to get a handle on an idea of what they're using. What are the products that are being used? What kinds of chemicals are they?

Colborn says she's been able to get the names of nearly 1,000 chemicals companies use in the process — but almost half of those were not chemically identifiable.

**Colborn:** In other words, 43 percent of those names only provided a name on material data safety sheets...And industry is not telling us enough.

The industry is becoming more transparent in [disclosing fracking recipes](#), says Matt Pitzarella, a spokesman for [Range Resources](#), one of the most active Marcellus Shale drillers. The company prides itself on having been the [first to post well-by-well fracking recipes](#). Pitzarella admits that some ingredients are hazardous in concentrated form.

**Pitzarella:** Of those components that are considered hazardous in a concentrated form, our fluid makes up 0.04 percent of what goes into the well....At that level of dilution they pose no risk to human or animal health.

Pitzarella points out that fracking has been around in various forms for decades — and it keeps getting safer, with fewer hazardous chemicals.

**Pitzarella:** If you look in Fort Worth in the Barnett Shale in Texas they have drilled 14,000 of these exact same wells in a 50 mile radius of the city of Fort Worth, and they have had no impacts on water, air quality.

There have been [complaints](#) from Texas residents that their water supply was affected.

The Environmental Protection Agency is [soliciting input](#) about research on fracking fluids. Previous work by the EPA was criticized as being biased toward the industry. EPA is still working out the details of this new study plan, but expects to have results in about two years.



Theo Colburn, president of The Endocrine Disruption Exchange, has been investigating chemicals used in hydraulic fracturing.



Bryan Swistock at Penn State is leading a study to measure any impacts gas drilling may have on residents' drinking water wells.

Pennsylvania's Department of Environmental Protection is working to better protect water supplies; it has [ramped up inspections and violations](#) of unsafe truck drivers; [limited the amount of pollutants](#) drillers can discharge from their sites; and is working to improve well construction so there are no gas leaks.

DEP Secretary John Hanger:

**Hanger:** The industry is now reusing waste water and reducing the amount of water that they would dispose of in a river/stream because they face the great cost of cleaning it up before it goes into a river/stream.

Penn State has launched its own study on the water impacts of drilling, led by Bryan Swistock.

**Swistock:** There's a whole string for opportunities for problems. Not that they've been widespread, but there are certain places where there is a risk.

Swistock's team is intensively monitoring drinking water at 50 homes around Pennsylvania, each within 2,000 feet of a well site. He says many residents are concerned about fracking fluids seeping up from the shale. But that hasn't been the source of problems to date.

**Swistock:** The hydraulic fracturing has been done for a long time and has a relatively good track record. A lot of what we do see are human accidents and errors right around the well.

Spills or poor construction have led to chemicals getting into places they shouldn't. The other problem — and perhaps the most infamous — is gas migration. Badly sealed wells allow the gas to seep into aquifers close to the surface, and then into people's drinking water wells. [Dimock](#), Pennsylvania in Susquehanna County had a number of cases of explosions and flammable taps.

In a year Swistock will have data on the water monitoring. While waiting for results, drilling will continue and so will people's concerns.

**Shimer:** They're scared. They know about Dimock. It frightens them and they never realized how much their water meant to them until this came along and they wish it wasn't here.

Kay Shimer is the laboratory manager at Benchmark Analytics in Sayer, Pennsylvania. The company analyzes water samples from residents and companies. Shimer has been flooded with calls from worried residents, asking what they should do when the gas trucks begin streaming by to well construction sites. She refers them to [Penn State's recommendations](#): testing just before drilling begins, and then waiting for signs of change in the water — like cloudiness or color — before testing again.

**Shimer:** We tell people, take a cigarette lighter and try to ignite it. If it ignites, you have a problem.

Shimer says most of the analysis her company has done is pre-drilling. Only a few of the post-drilling samples have been contaminated with ethane or methane. But there have also been some surprises. One well had high methane levels before drilling started nearby.

**Shimer:** But apparently there was some drilling activity in the area they thought was too far away to affect them and apparently it wasn't.

Some people are waiting for the EPA's research to figure out if they want to lease their land for drilling. As gas company reps keep knocking on doors, many owners will have to choose before the data are in.

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Kay Shimer, lab manager at Benchmark Analytics, says she's taken hundreds of calls from residents concerned about their water.

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## Shale News

Welcome to my blog! This shale blog is meant for people interested in keeping up on the latest shale news across the USA & Canada. With higher oil and natural gas prices, discovering have been on fire. The Eagle Ford Shale, Haynesville Shale, Bakken Shale, Niobrara Shale, and the Marcellus Shale have really produced giant wells and the interest keeps coming. Mineral rights leases are doing incredible!

[www.oilshalegas.com](http://www.oilshalegas.com) has researched the following shale fields in the USA & Canada. Click below to learn more.

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MONDAY, SEPTEMBER 27, 2010

### Crockett County, Texas: Permian Basin Update

By Andrea: <http://oilshalegas.com>

El Paso Corp. (EP) recently won a 123,100 acre lease in the Wolfcamp which is part of the [Permian Basin shale](#). The land covers Reagan County, Crockett County, Upton County and Irion County, all located in Texas:

El Paso Corporation (EP) announced that it was the winning bidder for leases covering approximately 123,100 acres in Reagan, Crockett, Upton and Irion counties in the September 22, 2010 University of Texas lease sale. The acquired leases target the Wolfcamp shale and add to approximately 12,000 net acres of existing leasehold in this play. El Paso now has a material position in a new oil shale program with significant resource and production potential.

"We are very excited to announce our entry into a promising new oil shale. Our acreage acquisition is the culmination of an extensive regional study by our technical team, and we expect it to become a new oil-focused core area," said Brent Smolik, president of El Paso Exploration & Production Company. "Today's announcement represents our second organic shale entry following our successful acquisition of more than 170,000 net acres in the [Eagle Ford shale](#).

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The Haynesville Shale - Louisiana





The leasehold we have acquired has multiple pay opportunities and the combination of large contiguous blocks and a single royalty owner give us tremendous operational flexibility. We intend to leverage the successes we have had in our [Haynesville](#) and [Eagle Ford shale](#) programs, and we will update the market on our plans for the Wolfcamp shale during our third quarter earnings conference call on November 3, 2010."

El Paso remains committed to managing its E&P program for returns and having E&P live within its means. In addition, the company remains committed to generating free cash flow in 2012. To that end, the \$180 million cost of the acquired acreage will be funded over time through portfolio rationalization, and future development capital will compete with other programs in the portfolio.

For more shale updates, visit: <http://blackberrystocks.blogspot.com>

For more stock updates, visit:  
<http://daytradingstockblog.blogspot.com>

Posted by Andrea at [12:10 PM](#)

Labels: [Crockett County](#), [El Paso Corp. \(EP\)](#), [natural gas](#), [net acres](#), [new lease](#), [Permian Basin](#), [Texas](#)

SUNDAY, SEPTEMBER 26, 2010

## American Petro-Hunter Inc. - Woodford Shale Update

By Andrea: <http://oilshalegas.com>

American Petro-Hunter, Inc. (AAPH.OB) recently spud a new well in the [Woodford shale](#) located in North Oklahoma -

American Petro-Hunter, Inc. (AAPH.OB) recently announced the commencement of drilling operations and the spud of the NOJ26 Well at the North Oklahoma Shale Oil Project. Surface casing has been set and the operator reports that drilling is moving ahead.

The planned T.D. (total depth) of the well is 4,000 feet and is anticipated to intersect multiple objectives that include the primary oil shale along with excellent potential in the Simpson and Wilcox formations. As reported previously, the Wilcox is considered one of the most prolific producers in the area and nearby existing analogous production has cumulatively produced 80,000 barrels of oil per well. Wilcox wells often deliver initial production rates in excess of 100-120 BOPD with 200 MCF of gas.

The Company is satisfied that the multiple objectives considerably minimize risk given the three potentially productive formations and will significantly increase the overall data to be gained regarding shale response to acidization and fracturing. Once this well is drilled, completed and put into production, the Company intends to

[OilShaleGas.com](#)

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# TRIBUNE-REVIEW

## Natural gas extraction tax urged

By Chris Foreman

TRIBUNE-REVIEW

Friday, September 24, 2010

A Rendell administration official and three Democratic lawmakers joined an environmental advocacy group at a town hall Thursday night in Fayette County calling for state legislators to follow through on a pledge to enact a tax on natural gas extraction by drillers from the Marcellus shale formation.

PennFuture took its "Keep the Promise Tour" to a town hall at Penn State Fayette, The Eberly Campus last night before legislators' self-imposed Oct. 1 deadline to adopt a possible severance tax as a key component of the state budget negotiations.

State Department of Environmental Protection Secretary John Hanger and Reps. Bill DeWeese of Greene County, and Tim Mahoney and Deberah Kula, both of Fayette County, said the tax was important for minimizing the potential side effects of drilling on communities, replenishing the dwindling funding available through Growing Greener recreation and conservation grants and ensuring state agencies have the necessary resources to regulate drilling companies.

About 20 people attended the town hall.

Hanger said arguments that a severance tax would "kill the golden goose" are "hooey," explaining that Pennsylvania is the last of the 15 gas-producing states to consider passing a severance tax.

"Guess what? They haven't killed one golden goose yet," said Hanger, who served as the president and chief executive officer for PennFuture from June 1998 to August 2008.

The secretary said 75 drilling companies are invested in the formation, which has enough gas to power the nation's energy needs for 15 years.

Officials have said the state could collect between \$70 million and \$160 million in the six months after the tax's adoption.

DeWeese called for a "modest" severance tax, saying that the potential benefits of the formation represent a "happy serendipity" for a state dealing with its "most trying economy since the 1930s."

"If it's good enough for Sarah Palin in Alaska, if it's good enough for Dick Cheney in Wyoming, then it should be good enough for the Senate Republicans," he said.

Mahoney said the state's leaders made a costly mistake a century ago by not doing enough to mitigate the damage the coal industry did to the environment.

If legislators don't come up with a "fair" plan, they're not doing their jobs, he said.

"Far too long, we've been just run over by these big companies," Mahoney said.

Kula said the benefits of a tax will lead to job training so residents can find work and funding for rural municipalities.

But officials of a Canonsburg-based industry group, the Marcellus Shale Coalition, said the tax debate shouldn't be about posturing for an individual budget year. State leaders should focus on the adoption of tax and regulation policies that don't discourage economic growth, the group contends.

"It's something that we, in Pennsylvania, have been waiting for for a long time," the coalition's president, Kathryn Klaber, said Thursday afternoon during a phone interview before the town hall. "It's a wonderful opportunity, but it's a long-term one."

Because drilling also is going on in such states as Oklahoma, Arkansas, Texas and Louisiana, it's a misnomer for those supporting a high gas tax to think they can do whatever they want without hurting competition, she said.

"We are not the only game in town," Klaber said.

*Chris Foreman can be reached at [cforeman@tribweb.com](mailto:cforeman@tribweb.com) or 724-836-6646.*

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# Star-Telegram

## Texas-based company 'paused' fracking work in Ark.

Posted Wednesday, Sep. 22, 2010

The Associated Press

**SEARCY, Ark.** — — A Texas-based company that provides equipment and expertise for natural gas drillers has temporarily halted fracking work in north-central Arkansas but no layoffs have occurred, company officials said.

Fracking refers to hydraulic fracturing, a process in which large amounts of liquid and chemicals are forcibly injected into a formation to break it up and allow natural gas to flow more freely.

The Daily Citizen reported Wednesday that Fred Toney, president of Baker Hughes Pressure Pumping Services, said the company had "paused" fracking services carried out by its facility in Searcy, about 50 miles northeast of Little Rock.

The facility, with about 130 employees, provides equipment and expertise for natural gas drillers working the Fayetteville Shale formation in north-central Arkansas. Toney said the company was not moving any of the jobs now at the Searcy site, but some employees may choose to relocate.

Fracking, not currently regulated by the federal government, has in recent months come under greater scrutiny by the U.S. Environmental Protection Agency. Environmentalists say they are concerned that the chemicals, some of them carcinogens, will taint underground water supplies.

The Searcy facility is operated by a subsidiary of Houston-based Baker Hughes Inc., which provides services to oil and gas drillers worldwide, according to its website.

"We are temporarily not doing frack services out of Searcy," Toney said. "We've taken some of those frack units up to other areas and we're keeping all the people. Everybody still has a job."

Baker Hughes clients include Oklahoma City-based Chesapeake Energy Corp., which has drilled most of the 629 producing wells in White County, where Searcy is located.

"We have contracts other than Chesapeake and those are going to be maintained," Toney said. "There are some other operators ... coming in, and we have relationships with those operators and will be working for those guys when they show up. Nothing's closed, we're just putting things on pause on the frack side."

*Information from: The Daily Citizen, <http://www.thedailycitizen.com/>*

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## Poll: Depression Up 25 Percent Along Gulf

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**[Lauren Frayer](#)** Contributor

(Sept. 28) -- Americans who live along the Gulf Coast say they're more sad, worried and stressed out -- and report a quarter more cases of depression -- since the Deepwater Horizon oil spill, according to a new poll released today.

The Gallup organization tabulated 25.6 percent more clinical diagnoses of depression in counties that border the Gulf of [Mexico](#) since the April 20th explosion that sparked America's worst-ever oil spill. Inland counties in gulf states counted 2.2 percent fewer diagnoses since then, and non-Gulf states had a slight increase in cases of 0.6 percent.

Gallup pollsters interviewed 2,598 Gulf Coast residents, split about evenly before and after April 20, when a blast killed 11 rig workers and sparked the world's largest-ever accidental oil spill. Gallup compared their answers to those from more than 30,000 residents of inland counties in Gulf states, and nearly 180,000 people in non-Gulf states.

Across several categories, Gulf Coast residents showed a decline in their overall emotional [health](#) in the 15 weeks since the [BP oil spill](#), Gallup said in a [statement on its website](#). More than 15 percent of residents of Gulf-facing counties told pollsters they experienced stress the day before they were interviewed, and more than 13 percent said they experienced worry or sadness. The figures for residents of inland counties or non-Gulf states were either the same or slightly better than before April 20.

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Gulf residents also reported being less happy where they live. On the coast, residents were 5.7 percent less satisfied with their city, and nearly 15 percent less likely to believe that their city is getting better as a place to live.

Even though BP's runaway oil well stopped leaking in July and was permanently sealed earlier this month, experts say emotional problems from the oil spill might persist much longer, especially in tough economic times.

"It's like a virus that's spreading," Tonya Fistein, a counselor helping oil spill victims in [Alabama](#), told [The Associated Press](#). Her company, AltaPointe Health Systems, is seeing twice as many patients compared to last year.

BP has agreed to pay \$52 million for mental [health care](#) in the gulf region.

Filed under: [Nation](#), [Health](#), [Health Care](#)

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# EPA Administrator Addresses Concerns About Oil Spill Waste Management

By [Andrew Restuccia](#) 9/27/10 3:18 PM

At a hearing of the national oil spill commission today, Environmental Protection Agency Administrator Lisa Jackson addressed concerns about waste disposal from the oil spill.

As [I've reported](#), environmental justice groups have criticized the way waste from the spill is being disposed of, noting that much of it is being put in landfills near poor or minority communities.

Jackson, responding to a question from the commission, said this is an “issue of concern” with all environmental disasters because many landfills were sited near poor or minority communities decades ago. While acknowledging that these “are not easy issues,” Jackson said she has gone to the Gulf of Mexico twice just to oversee waste disposal issues. She also assured Gulf residents that EPA is taking on its own independent testing of the waste to ensure it isn’t harmful to nearby residents.

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The New York Times



September 27, 2010

# Enviro Groups Ignored Gulf Before BP Disaster

By MIKE SORAGHAN of

Since the fiery sinking of the Deepwater Horizon rig last spring, environmentalists have scolded federal regulators for neglecting problems with offshore drilling in the Gulf of Mexico.

They were right. But environmental groups ignored the Gulf, too.

Focused on climate change and watch-dogging drilling in Alaskan waters, environmentalists were wary of upsetting a détente that blocked oil production on both coasts and the eastern Gulf of Mexico. They had ceded the drilling zone off Alabama, Louisiana and Texas as hostile territory.

"The Gulf of Mexico was pretty much written off as a sacrifice zone," said Kieran Suckling, head of one of the country's most aggressive environmental litigants, the Center for Biological Diversity. "The focus was put on more pristine areas."

That focus can be seen in the number of lawsuits filed by environmentalists and others under the National Environmental Policy Act, or NEPA. In the eight years that George W. Bush was president, they filed suit against federal agencies more than 1,000 times.

But only one lawsuit was filed by an environmental group involving oil and gas production in the Gulf.

So, regulators at what was then the Minerals Management Service had little to fear if they rubber-stamped oil companies' plans, even if they included claims that now seem ridiculous. Lawsuits are sometimes the only way to ferret out and fix problems in the government's voluminous environmental plans.

"That's one component of accountability," David Bernhardt, who contended with many of those NEPA lawsuits as solicitor at the Interior Department under Bush. "There was a failure to carefully review these documents. That's because no one was challenging their decisions."

That could be one reason the Interior Department had never assigned lawyers to New Orleans,

home to an MMS regional office.

"The closest lawyers were working in D.C.," said Bernhardt, who now works in the Washington office of Brownstein Hyatt Farber Schreck. "I believe the regional office made many decisions without any legal review."

Bernhardt's point is backed up by the Congressional Research Service. In a carefully worded August [report](#) (pdf) looking back on the spill, CRS indicated a lawsuit challenging a 2007 MMS environmental analysis might have highlighted how unprepared industry was for a large spill.

"A court could consider the adequacy of not reviewing the environmental effects of spills over 10,000 [barrels] when MMS calculated a greater than 99 percent probability that such a spill would occur," CRS lawyer Kristina Alexander wrote.

BP and other companies promised they had the resources to clean up any spill([Greenwire](#), June 2). They asserted that deepwater drilling had little or no environmental effect or listed walrus as a local species([Greenwire](#), June 30). None of that was true. But a court never "considered the adequacy" of those claims. Neither did anyone else, until the Macondo well blew.

### **BLM, Forest Service awash in lawsuits**

In total, three NEPA suits were filed against MMS from 2001 to 2008, according to a *Greenwire* analysis of data from the White House Council on Environmental Quality. In the wake of the spill, MMS has been changed to the Bureau of Ocean Energy Management, Regulation and Enforcement.

Court records indicate one was filed by the state of Louisiana about Gulf drilling, and another challenged drilling off Alaska's North Slope.

The environmentalist suit that challenged drilling in the Gulf was filed in 2007 by the Center for Biological Diversity and other groups. It challenged the Bush administration's five-year plan for offshore drilling in the Gulf and Alaska. But even that suit focused on greenhouse gas emissions and plans to drill off Alaska more than oil spills in the Gulf.

By contrast, the Forest Service was sued 388 times under NEPA during the same period, spurring the agency's leaders to complain of "paralysis by analysis" and ask Congress for new exemptions to the law. The 126 NEPA lawsuits filed against the Bureau of Land Management had oil and gas producers complaining that environmentalists were "locking up the land." Environmental groups said they had to go to court to preserve uses of public land other than drilling, logging and mining.

Environmental leaders say there are many reasons they were not challenging drilling off the Gulf Coast. Their explanation boils down to this: The oil-soaked Gulf region is a legal no-man's land for environmentalists. The Gulf is already teeming with oil and gas rigs, and it has no local constituency ready to fight drilling.

Even industry-friendly states such as Alaska and Wyoming, they say, have a small but fierce core of locals willing to fight to keep oil and gas wells out of their wild land. Preservation efforts in places like Louisiana generally involve protecting or rebuilding marshes, they say, not chipping away at a pillar of the local economy.

And activists say the legal deck is stacked in favor of offshore drillers in the Gulf. Federal law allows 30 days to challenge a lease sale in the Gulf, versus six years for a forest plan. And, unlike drilling elsewhere, challenges are routed past trial courts to the 5th U.S. Circuit Court of Appeals, a court much less likely to block drilling with restraining orders.

In addition, said one Gulf litigator, "All the lawyers in those cities who become judges are from the oil business."

Nature groups chose instead to fight industry incursions into unspoiled areas like Alaska's Bristol Bay, Montana's Rocky Mountain Front and the Gulf Coast of Florida.

Still, Suckling said he was shocked as his legal team dug into MMS records after the spill.

"In Alaska, MMS at least made an effort to enforce the law," he said. "We assumed that was the case everywhere. I can't even describe how blown away I was."

### **Enviro groups' lawyers head to Gulf**

The inattention of national environmental groups has not gone unnoticed by Gulf Coast politicians.

In a recent speech at the National Press Club, New Orleans Mayor Mitch Landrieu upbraided "national environmental groups," who he said "cluster on the East and West coasts." They have abandoned the Gulf Coast, he said, and the naturalists who live there.

"National environmental groups, in my opinion, have kind of skirted past Louisiana because, I've heard it said before, 'They kind of deserved what they got because they like the oil companies so much,'" Landrieu said. "It doesn't work anymore. We have to change."

What is changing is the free passes the petroleum industry and Interior Department regulators got from environmental lawyers for decades.

Since the spill, the Center for Biological Diversity alone has filed seven environmental lawsuits, and the number of people working on Gulf drilling legal issues there has risen from zero to six. The BP spill has spawned more than 300 civil lawsuits in the four Gulf states([Greenwire](#), July 7).

That kind of legal scrutiny, Suckling said, will inevitably slow down and limit oil production in the Gulf.

"Had the environmental movement gone after oil drilling in the Gulf of Mexico in the '80s and '90s," Suckling said, "we'd be living in a very different world."

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## Where's the oil? Still in the Gulf, scientists tell spill panel

 Monday, September 27, 2010 at 11:29 AM by Jennifer A. Dlouhy in [Gulf oil disaster](#)

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Marine scientists today disputed the Obama administration's assertion that most of the oil that flowed from BP's runaway well into the Gulf of Mexico has disappeared and is quickly degrading.

More than half of the total oil discharged into the Gulf "is a highly durable material that resists further dissipation," said Ian MacDonald, a professor of oceanography with Florida State University.

MacDonald spoke during a hearing of the national commission investigating the [Deepwater Horizon disaster](#). Much of the oil is now buried, he said, but there is scant evidence that it degraded before being lodged under soil and sediment.

According to the federal government, more than 4 million barrels of oil gushed into the Gulf during BP's five-month fight to control its runaway Macondo well. But a third of that crude has been sucked up, burned off or broken down by chemical dispersants, [government scientists](#) said in a [report issued last month](#).

Another 25 percent of the oil naturally evaporated or dissolved, according to that study, and an additional 16 percent was dispersed naturally into microscopic droplets. Ultimately, government scientists concluded that roughly a quarter of the oil remained on or just below the surface of the sea, had been buried in sand or had washed ashore.

The amount of oil that entered the Gulf — and what remains of the crude — emerged Monday as a major issue for the national commission investigating the spill. Commissioners on the presidential panel repeatedly questioned whether initially low estimates of how much crude was gushing from the doomed well constrained efforts to contain it.

Co-chairman Bob Graham said he had been told that at least one of BP's failed attempts to cap and contain oil at the wellhead was built based on those initial flow estimates. "Had it been designed for that larger flow, might have been successful," he said.

But Thad Allen, the retired Coast Guard admiral who managed the spill response, denied that the flow rate estimates ever affected how many skimmers were sent to sea and how much boom was deployed to keep crude from washing into fragile marshes and wetlands. That matches administration officials' assertions while oil was still flowing into the Gulf.

"We assumed at the outset this could be at a catastrophic event," Allen told the panel. "We never at any point relied on the 1,000 to 5,000 barrels per day (estimate)."

Doug Suttles, BP's chief operating officer, said engineers working to design containment systems were prepared for a variety of scenarios. "We were all working off what would be a series of solutions and contingencies in case those solutions weren't effective," Suttles said.

Initial government estimates put the oil flow rate at 1,000 barrels daily (one barrel equals 42 gallons).

A month after the April 20 explosion on the Deepwater Horizon drilling rig, the government estimated that as much as 5,000 barrels of oil were flowing into the Gulf a day. That number steadily climbed — with a later official estimate of at least 12,000 barrels per day — before government scientists in June concluded that 35,000 to 60,000 barrels entered the Gulf of Mexico every 24 hours.

Bill Lehr, a senior scientist with the National Oceanographic and Atmospheric Administration, defended the flow rate calculations. "You always tend to estimate conservatively when you're the government," Lehr said.

Other scientists told the panel that the government and academia need to be better able to calculate flow rates in future spills. That starts with rapid deployment of scientists and monitoring equipment, said Terry Hazen, a senior scientist with Lawrence Berkeley National Laboratory.

Hazen bemoaned that in the Gulf, "we missed out on a lot of information because we didn't get out there quick enough." Accurate calculations and important scientific assessments were delayed by bureaucratic blockades, he said. In the future, Hazen said, there needs to be a "rapid deployment of a large team that can do this kind of thing."

Richard Camilli, a scientist with the Woods Hole Oceanographic Institution, said there should be a team of scientists and equipment ready to respond swiftly to a spill — akin to Coast Guard first responders who are immediately deployed to offshore accidents.

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Sep 27, 4:04 AM EDT

## Sandcastles OK on Fla. beach; digging for oil not

By MELISSA NELSON  
Associated Press Writer

NAVARRE BEACH, Fla. (AP) -- At the height of summer, tar balls and paddies of oil were rolling ashore along the Florida Panhandle. Months later, sand castles are being built and swimmers frolic in the water, even though crude lies buried beneath the white sands. Advertisement

Despite lingering concerns about the hidden oil from BP's massive spill, sand-sculpting artists were etching masterpieces in a weekend competition designed to boost tourism and erase the images of oil-stained beaches.

"The media about the oil spill could give you an impression that all beaches were negatively affected. I don't think it's that bad. I think things have been cleaned up," said sand artist Katie Corning of Fort Meyers Beach. "Many of the sculptors coming here this weekend live along the Gulf Coast and are concerned about letting people know that the beaches are healthy and beautiful."

Yet there are bands of oil buried between 18 and 24 inches below the sand.

BP spokesman Ray Melick said Navarre Beach, where the competition is being held, is among a stretch of Panhandle that remains part of the company's clean up effort. The company is working with the Department of Interior for clearance to allow workers to use heavy machinery to remove the buried oil.

"The National Historic Preservation Act prevents it," he said. "We are applying for clearance from archaeologists to allow us to go deeper. We want to make sure we don't disturb any buried archaeological treasure."

Among the buried treasures could be artifacts from a Spanish settlement founded more than 450 years ago. The settlement lasted only two years from its founding in 1559, and searchers continue to search for its exact location.

And in 2006, the Navy discovered a centuries-old Spanish ship that had been buried beneath the sand on Pensacola's Naval Air Station.

BP crews have in recent months worked to clear oil that has been buried beneath the sand on the coasts of Louisiana, Mississippi and Alabama. Federal clearance is also required to dig beneath the surface in those states.

However, the digging limitations do not restrict beachgoers from building sandcastles, he said.

At the Navarre competition, sculptors worked away from the ocean on the beach behind an area of sand berms where oil did not wash on shore. Organizers said the spot was selected because of concerns about nesting sea turtles and crowds.

Panhandle beach communities already have the proper Department of Interior permits to dig below six inches in the sand with machinery because of ongoing projects to repair sand berms after tropical storms, said Buck Lee, who oversees the island authority that includes Pensacola Beach. Lee said he was frustrated with the oil giant and bureaucracy that has grown through the months and wants to the buried oil to quickly be cleaned.

"We've seen it out there and we know it exists. It all washed in waves and ribbons in June and it has been covered up. BP has done the testing and they know where it is," he said.

Navarre leaders funded the sandcastle event with money given by the oil giant to the state to promote tourism in the wake of the spill.

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# BP's moves spur concerns

Investigation challenged

- By DINA CAPPIELLO
- Associated Press writer
- Published: Sep 27, 2010

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WASHINGTON — Engineering experts probing the Gulf of Mexico oil leak exposed holes in BP's internal investigation as the company was questioned Sunday for the first time in public about its findings.

BP's lead investigator acknowledged that the company's probe had limitations.

Mark Bly, head of safety and operations for BP PLC, told a National Academy of Engineering committee that a lack of physical evidence and interviews with employees from other companies limited BP's study.

The internal team only looked at the immediate cause of the April disaster, which killed 11 workers and unleashed 206 million gallons of oil into the Gulf.

"It is clear that you could go further into the analysis," said Bly, who said the investigation was geared to discovering things that BP could address in the short term. "This does not represent a complete penetration into potentially deeper issues."

For example, the National Academy of Engineering panel noted that the study avoided organizational flaws that could have contributed to the blast. BP has focused much of its work on decisions made on the rig, not with the managers on shore.

Najmedin Meshkati, a professor at the Viterbi School of Engineering at the University of Southern California, said he wondered why BP named its report an accident investigation when it left critical elements out. He asked BP to turn over information on shift duration and worker fatigue.

"How could you call this great work accident investigation ... (without) addressing human performance issues and organizational issues and decision-making issues?" Meshkati asked.

He referred specifically to the confusion that occurred leading up to the explosion, when many workers aboard the rig were busy with work associated with finishing up a well. This distraction could have led to missed signs that something was wrong.

“It wasn’t intended to be anything that it isn’t,” Bly responded. “It was a good contribution and a good foundation for further work for BP itself and others.”

Other experts questioned one of BP’s central conclusions that the oil and gas traveled up the center pipe, rather than the space outside the pipe. One wanted to know whether a device designed to shut off an engine when it starts to rev — as it would in the presence of gas — failed. BP said it didn’t know if the device worked or not.

BP’s testimony, and the questioning, lasted more than three hours on Sunday. It was the first time BP’s six-person investigation team was questioned publicly about its findings. Today and Tuesday in Washington, investigators will turn their attention to the government’s response to the spill and its impact on the economy and environment at a hearing of the national spill commission set up by President Barack Obama.

BP’s study found eight separate failures led to the oil rig accident. The report blamed BP and other companies, including Transocean, the rig’s owner, and Halliburton Co., which was hired to do the cement work.

But the conclusions were made without examining the drilling rig, which remains on the sea floor, or the blowout preventer, a key safety device that was brought to shore only recently. Instead, the company relied extensively on real-time data collected aboard the rig to reconstruct what happened. BP also did not have access to samples of the cement used to seal the well, and said Halliburton refused to supply a similar mix for testing. BP has said the cement failed.

Halliburton officials criticized the methodology that BP used to draw its conclusions and claim that the well’s design played no role in the incident.

Thomas Roth, a Halliburton vice president, took aim at testing by a company hired by BP that found Halliburton’s cement, which was injected with nitrogen to form a foam, was unstable.

“BP’s well design and operational decisions compromised well integrity,” said Roth. “BP proceeded with well operations without establishing well integrity. In the end, BP followed a decision tree that ignored multiple red flags.”

When asked why Halliburton continued to work on the well despite some of these red flags, Roth said, “We didn’t see it to be an unsafe operation as it was being executed.”

The National Academy of Engineering was asked by the Interior Department to look into the causes of the disaster and identify ways to prevent similar accidents. A report with the committee’s preliminary findings will be published no later than Oct. 31.

□&enspON THE INTERNET:

National Academy of Engineering committee into BP disaster: <http://tinyurl.com/372asmp>

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## Drilling ban analysis due out a month early

By DINA CAPPIELLO – 38 minutes ago

WASHINGTON — The government agency in charge of offshore drilling will weigh in ahead of schedule on whether a ban on new deepwater wells should be lifted.

The chief of the Bureau of Ocean Energy Management, Michael Bromwich, told an investigative panel Monday that he is a month ahead of schedule in issuing a report on the ban. It's due to Interior Secretary Ken Salazar in late October.

President Barack Obama imposed the drilling moratorium following the April 20 oil spill in the Gulf of Mexico, the largest offshore in history. The ban is set to expire Nov. 30, but federal officials have indicated it could end early.

The moratorium has come under criticism by the oil industry and local residents for harming the Gulf economy.

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## EXCLUSIVE: DOJ Refuses to Revoke BP's Probation Over Safety Violations at Texas City Refinery

*by: Jason Leopold, truthout | Investigative Report*

The Department of Justice (DOJ) has refused to pursue a probation revocation case against BP after the company was found to have violated its March 2009 felony judgment order, which required BP to fulfill the terms of a settlement agreement it entered into with government regulators five years ago to make certain safety upgrades at its Texas City refinery by September 2009, according to documents obtained by Truthout.

Instead, the DOJ will allow BP to spend two additional years to correct hundreds of safety problems that have plagued the refinery - the third-largest in the country - for a decade and have played a part in the deaths of 19 people over the past five years.

On March 23, 2005, 15 people were killed and 170 others were maimed and seriously injured in an explosion at the plant, which occurred "when a distillation [blowdown] tower flooded with hydrocarbons and was over-pressurized, causing a geyser-like release from the vent stack. The hydrocarbons found an ignition source and exploded," according to a two-year investigation conducted by the independent US Chemical Safety Board (CSB).

John Bresland, CSB's chairman, said his agency's probe, completed in 2007, "found organizational and safety deficiencies at all levels of the BP Corporation."

"Our investigation team turned up extensive evidence showing a catastrophe waiting to happen," Bresland said on March 24, the fifth anniversary of the refinery explosion. "Cost-cutting had affected

safety programs and critical maintenance; production pressures resulted in costly mistakes made by workers likely fatigued by working long hours; internal audits and safety studies brought problems to the attention of BP's board in London, but they were not sufficiently acted upon."

In October 2007, BP Products North America (BPNA) and the Justice Department announced they reached a settlement, which called for BP to plead guilty to a felony Clean Air Act violation and pay a \$50 million fine. But the victims of the refinery explosion successfully held up the plea agreement for 18 months after the Fifth Circuit Court of Appeals ruled they were not properly consulted under the federal Crime Victims Act before the plea deal between the government and BP was hammered out behind closed doors. The victims objected to the plea deal, saying the negotiated fine was not large enough and BPNA's parent company, BP Plc, was immunized as part of the settlement when evidence showed it played a direct role in the decisions that led to the blast.

On March 12, 2009, however, US District Court Judge Lee Rosenthal accepted the plea agreement and formally placed BP on three years probation. She told the victims she could not rewrite the plea agreement. She could only accept it or reject it.

The plea deal and the terms of BP's probation, according to Judge Rosenthal's judgment order, were contingent upon BP correcting safety violations at the refinery discovered in the aftermath of the disaster as part of a separate settlement agreement BP entered into in September 2005 with the Occupational Safety and Health Administration (OSHA) and the Texas Commission on Environmental Quality (TCEQ).

Moreover, if BP committed any federal environmental and/or process-safety crimes related to its Texas City refinery operations, then BP would be in breach of its plea agreement and in violation of its probation. The government could then prosecute the company for other crimes it had evidence of during the course of its investigation into the refinery blast, the plea agreement states.

But three weeks ago, Daniel Dooher, a senior trial attorney with the

DOJ's Environmental Crimes Section, sent letters to Judge Rosenthal stating that the DOJ has declined to revoke BP's probation because the company paid a \$50 million fine to OSHA last month to settle charges that it breached the 2005 settlement agreement with the agency by allowing "hundreds of potential hazards to continue unabated" and entered into a new agreement with OSHA to address safety concerns at the refinery.

"OSHA and BP have executed a [new agreement] resolving the allegations of non-compliance," says Dooher's September 8 letter to Judge Rosenthal. "In summary, the [new agreement] requires: 1) extending completion of the requirements under the [2005] Settlement Agreement until March 12, 2012.

"The Department of Justice has discussed the executed agreement in detail with OSHA and BP. In addition, the Department of Justice has been in contact with the U.S. Probation Office and explained the terms of the [new agreement] to ensure that the probation officer is apprised of the current status of the case. All requirements of the original Settlement Agreement must be completed by March 12, 2012, when BP's probation currently terminates. Therefore, it is the United States' position that the conditions of the [new agreement with OSHA] are also conditions of BP's probation under the Plea Agreement. BP agrees with this position and is filing a letter with the Court to that effect. As a result, the Department of Justice is not seeking a revocation or extension of probation at this time." [Dooher sent Rosenthal a second letter on September 10, clarifying some of the statments he had made.]

The judgment order in the case signed by Judge Rosenthal on March 13, 2009, however, does not state that BP must make the safety upgrades by the end of its probation, as Dooher claimed in his letter. The judgment order says, "As stated in the plea agreement, BP must comply fully with the Settlement Agreement ... if BP Products commits any federal environmental or process-safety crime relating to its Texas City refinery operations, it will breach the plea agreement."

BP was only given until the end of its probation to fulfill the terms of a separate settlement order it signed with the TCEQ over the release of toxic emissions at the refinery and corrective actions BP was

toxic emissions at the refinery and corrective actions BP was instructed to take to address air-quality issues.

"In the event BP Products is unable to complete its obligation under the TCEQ order within the three-year probation term, it must inform the United States sixty days before the end of the three-year term, and BP Products and the United States must jointly move the court to extend the term of probation up to five years and will ask the court to set compliance with and completion of the TCEQ order as the only terms of the extended probation period," states the judgment order.

One possible reason DOJ declined to revoke BP's probation, according to a DOJ official who has worked on criminal environmental cases for the past six years, is that a culture still exists at the agency where prosecutors are encouraged to settle corporate criminal cases as quickly as possible as opposed to devoting resources toward lengthy investigations.

"That's the directive," said the DOJ official, who requested anonymity in order to speak openly about the issue. "It comes directly from the top [the attorney general's office] and we are under pressure to make sure its carried out."

Back in May, an attorney who blogs under the name bmaz posted an article about the Texas City refinery and noted that the settlement in the case was evidence of how the DOJ "under the politicized Republican rule of [George W.] Bush and [Dick] Cheney instituted a preference for coddling corporate malfeasants like BP and Exxon with lax civil measures instead of punitive criminal prosecutions and, in the process, created a get rich windfall program for their friends to serve as 'monitors' for the civil settlements."

Citing an April 2008 New York Times report, bmaz wrote that the policy began when Bush was sworn into office and Deputy Attorney General Paul McNulty made it official DOJ policy in 2006.

A former EPA official said that's a policy that clearly needs to change.

"What are [BP's] incentives to comply when we will not enforce something as overt as conditions in a criminal judgment?" the former



EPA official asked. "It sends the wrong message and gives a foreign corporation more leeway than we give US citizens and corporations."

Another former EPA official said "DOJ's failure to vigorously prosecute this foreign oil company sends the message to company managers that it is ok to kill US citizens and violate US health, safety and environmental laws for profit—a treatment that not many human “persons” get under federal law.

"This coddling is taking place in the wake of the worst environmental disaster in US history lying at BP's feet," the former EPA official said. "DOJ's position is a pathetic lack of representation of the will of the American people as poll numbers obviously attest."

BP spokesmen Daren Beaudou and Scott Dean did not return phone calls and emails seeking comment.

### **OSHA Probe**

The path that led the government toward giving BP another shot at making good on its failed promises began in the spring of 2009.

Around the time Judge Rosenthal accepted BP's plea agreement and signed the judgment in the case, OSHA launched an investigation to determine whether the company was meeting its obligations under the 2005 settlement agreement.

By July 2009, two months before BP faced a deadline to make safety upgrades at the refinery in accordance with the terms of the settlement agreement, it became clear to OSHA that the company was not in compliance.

OSHA contacted the DOJ's Environmental Crimes Section and the US attorney's office in Houston to alert them that BP had breached the terms of the settlement agreement, according to Doohar's September 8 letter to Judge Rosenthal.

On August 3, 2009, Mark Briggs, who works in OSHA's Houston office, sent a letter to Keith Casey, manager of the Texas City refinery, alerting him that OSHA inspectors who visited the refinery found

severe safety problems associated with the functionality of equipment at the facility, including pressure relief valves.

Furthermore, Briggs wrote, even BP "identified a large number of uncontrolled or unmitigated hazards involving instrumentation ... throughout the refinery."

"We believe that failure to correct the issues addressed in this letter ... by September 23, 2009 would constitute a failure to comply with the terms of the 2005 Settlement Agreement and failure to abate," Briggs wrote.

Thomas Wilson, an attorney with BP's Houston-based law firm Vinson & Elkins, disputed OSHA's assertions about safety hazards, and noted in an October 3, 2009, letter to Briggs that it was the company's position that it was in full compliance with the settlement agreement and believed it had more time to fulfill its commitments under the settlement agreement.

Three weeks later, on October 30, 2009, the agency announced it was imposing a \$56.7 million fine against BP and issuing the company 270 citations for failing to take corrective actions as required by the settlement agreement to fix safety hazards similar to ones investigators found after when they inspected the facility shortly after the refinery explosion.

Additionally, OSHA also fined BP \$30.7 million and issued 439 separate citations to BP for new, "willful" violations related to the company's "failures to follow industry-accepted controls on the pressure relief safety systems and other process safety management violations."

BP vehemently denied OSHA's charges and vowed to mount a vigorous defense against the proposed penalties.

"We continue to believe we are in full compliance with the Settlement Agreement ... we strongly disagree with OSHA's conclusions," said Casey, the Texas City refinery manager, the day OSHA announced the penalties. "We believe our efforts at the Texas City refinery to improve process safety performance have been among the most strenuous and

comprehensive that the refining industry has ever seen."

Some of the safety violations OSHA cited BP for have resulted in four employee deaths at the refinery since the March 2005 explosion, including one where a contractor was electrocuted "on a light circuit in the [refinery's] process area" and another when an employee was killed when the top head of a pressure vessel blew off. BP received four citations from OSHA regarding continued violations over process safety management.

The Texas City refinery has also been the subject of numerous complaints made by employees over the past four years to BP's Office of the Ombudsman, and is the office's second-biggest caseload since its inception in 2006, according to a confidential report that office prepared for Congress in March that was obtained by Truthout.

"When BP signed the OSHA settlement from the March 2005 explosion, it agreed to take comprehensive action to protect employees. Instead of living up to that commitment, BP has allowed hundreds of potential hazards to continue unabated," Secretary of Labor Hilda L. Solis said when the record fine was announced.

Dooher said the DOJ informed BP in January that if the company failed to resolve OSHA's allegations that the company breached the settlement agreement to "OSHA's satisfaction, than the government might seek revocation and/or extension of probation," according to his September 8 letter to Judge Rosenthal.

But, "in the interest of judicial economy, the Department of Justice did not immediately move this court to modify or revoke BP's probation, but has closely monitored the situation to determine if BP could resolve the alleged noncompliance with OSHA," Dooher wrote.

### **"A Slap on the Wrist"**

For attorney David Perry, who represents some of the victims of the refinery explosion, the DOJ's decision not to revoke BP's probation after OSHA determined that BP was in violation of the settlement agreement is a "terrible disappointment to my clients."

"There is absolutely no accountability," Perry said in an interview. "BP is literally a serial killer. It is objectively true that BP is a serial violator of federal laws and they should be subject to vigorous prosecution. But federal authorities continue to give them a slap on the wrist."

Brent Coon, a Beaumont, Texas, attorney who also represents some of the victims of the refinery blast, including Eva Rowe, whose parents were killed in the disaster, said individual executives at the company deserve to be prosecuted and jailed.

"If you had a drunk driver that killed 15 people they would have gone to jail. If the drunk driver killed 11 people they would have gone to jail. Why does BP, who has done the same thing, get off the hook?" said Coon, whose analogy referred to the number of people killed in the Texas City refinery blast and the number of lives lost when the Deepwater Horizon drilling rig exploded in April, spewing more than four million barrels of oil in the Gulf of Mexico. "I have clients from Texas City who would still request that the DOJ finish their investigation started in 2005 and turn the info over to a grand jury to consider indictment of individuals in management at BP who contributed to the tragedy."

Coon and Perry and two other attorneys who represent victims of the disaster spoke with Dooher three times over the past year and have also sent letters urging him to revoke BP's probation and prosecute the company for violating its probation by failing to make the safety upgrades as required under the terms of the OSHA settlement agreement and its plea deal with the government.

On July 2, Perry sent Dooher and Assistant US Attorney in Houston Mark McIntyre a letter recapping a meeting they had June 22 to discuss the case.

"On behalf of my clients who were permanently injured and whose family members were killed, I want to place in writing our request that the Department of Justice and the United States Attorney move promptly to revoke BP's probation and to institute an immediate prosecution of BP for its original criminal conduct to which it has pled

guilty," Perry wrote.

Perry also noted in his letter, however, that Dooher has "not reported that any action of any kind is being taken to revoke BP's probation ..."

"BP demonstrates that it holds itself above the law and scoffs at its legal obligation without fear of repercussions," Perry wrote. "In allowing BP to continue on probation, the Federal authorities make a mockery of our criminal justice system while failing to protect the public.

"We were offered no reason why BP is being afforded the remarkable leniency being extended to it by Federal prosecutors in the face of multiple deaths that it has caused and clear violation of probation."

Coon said he felt the meetings with Dooher, although a legal requirement, were largely held to "placate me" and other attorneys.

"Our meetings gave me the impression that the Justice Department was extending us a courtesy and allowing us to discuss how we felt about the case," Coon said. "They were going through the motions. I do not feel what we said one way or another was going to make a difference in what they were going to do. [Dooher] has his marching-orders."

Coon said Dooher indicated the DOJ wanted to wait to see what would transpire over the course of the next month, when a hearing was scheduled before an OSHA review commission over the 270 citations OSHA issued to BP for breaching the settlement agreement.

David Senko was manager of construction at the Texas City refinery and supervised 11 of the employees who were killed in the explosion. During an interview, he said BP continues to "suffer extreme leniency."

"It just makes me sick," said Senko, who was employed by Jacobs Engineering, a BP contractor, and is now on full disability. "Their probation should have been revoked. There is no reason, no justification not to [revoke BP's probation] and prosecute them for violating the [settlement agreement]. There is plenty of evidence to

support doing just that. This is just a tragedy against everybody, particularly the people [BP] has killed."

### **"Won't Get Fooled Again"**

On August 12, about a week before an OSHA review panel was scheduled to begin hearings, BP and OSHA signed a new "stipulation and agreement" with OSHA that will allow the company to spend the next two years - the remainder of its probation - to address the safety issues at the Texas City refinery.

BP also agreed to pay a \$50 million fine related to the 270 citations OSHA issued the company for failing to make the required safety upgrades by the September 23, 2009, deadline, as required under the original settlement agreement. The company also promised to set aside \$500 million to pay for the safety improvements. BP is still contesting the 439 "willful" violations and the \$30.7 million fine associated with those citations. Hearings in that matter are scheduled to begin soon.

Jordan Barab, OSHA's deputy director, said that BP has essentially admitted guilt by accepting the citations and paying the fine, even though BP disputes that characterization.

"The [new] settlement means [BP] admitted they were not in compliance with the terms of the original settlement," Barab said in an interview.

Barab said he was not privy to any of the discussions between the DOJ and OSHA over the Texas City refinery case.

The new agreement is tougher than the previous one OSHA signed with BP in 2005, Barab said, in that it gives OSHA unprecedented oversight and access to BP executives and requires BP to hire independent monitors to ensure the company is complying with the terms of agreement and will report back to OSHA.

"We told BP we won't get fooled again," Barab said. "We are going to have high-level BP executives meet with us to review their compliance. We'll have regular monitoring inspections. We'll be to the

refinery quite a bit to make sure they do what they are saying they are doing."

Barab said he realizes that OSHA cannot penalize BP enough to affect the company's bottom line, but he believes this new agreement "sends a message to [BP] and to the entire industry."

"I think they are serious about addressing [safety issues] and I think they got the message," he said.

But Perry, the lawyer for the victims, said the new agreement still has "holes you can drive a truck through.

"All of the deadlines have exceptions," Perry said. "The only penalty for not meeting the deadline is the deadline would have to be extended. There is no hard and fast deadline and no hard and fast enforcement authority."

Barab said if BP "fails to live up to their side of the bargain there are a number of things we can do."

"We can cite them for failure to abate. We can go to court and force them to comply. We can unilaterally terminate the agreement, which the DOJ will hear about," Barab said.

Two weeks after OSHA and BP signed the new agreement, Dooher met with the victims' attorneys for one last time. According to Coon, he asked them if the new settlement changed the attorneys' position on probation revocation.

"I told him it did not," Coon said about his August 24 meeting with Dooher. "I said that I felt that the agreement to pay an additional \$50 million in fines only further validated our assertions that BP was in violation of the 2005 OSHA agreement and a therefore a violation of their plea agreement."

Dooher told Coon he would take his position back to Washington and discuss it with other DOJ officials. On September 8, Dooher informed Judge Rosenthal revoking BP's probation in light of the new agreement the company signed with OSHA was not necessary.



Perry said he has absolutely no faith BP has learned its lesson.

"I wish I believed that something would change, but it's hard to have any confidence that it will."



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*Jason Leopold is the Deputy Managing Editor at Truthout. He is the author of the Los Angeles Times bestseller, *News Junkie*, a memoir. Visit [newsjunkiebook.com](http://newsjunkiebook.com) for a preview.*

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## Oil gusher is dead, but not residents' anguish

By JAY REEVES (AP) – 1 hour ago



ORANGE BEACH, Ala. — Her income down to virtually nothing because of the BP oil spill, Margaret Carruth put her face in her hands and wept recently at a town hall meeting before walking outside to what passes for home these days, her blue pickup truck.

Xanax helps her rest. Still, it's hard to relax when you've lost your house and are sleeping at friends' places or, sometimes, in the front seat.

The oil gusher is dead, but the mental trauma it caused along the Gulf of Mexico coast is still very much alive.

"I'm a strong person and always have been, but I'm almost to the breaking point," says Carruth, whose hairstyling business dried up after tourists stopped coming to the beach and locals cut back on nonessentials like haircuts. All but broke, Carruth packed her belongings into her truck and a storage shed and now depends on friends for shelter.

Carruth's anguish is part of a common but little talked about consequence of the summer of oil: People overcome by stress and worry, who are having a hard time navigating a world that seems so different from the one they knew before the Deepwater Horizon rig exploded on April 20, sending waves of crude and tar balls toward the coast.

Surveys show that in some areas badly affected by the oil, more than 40 percent of those seeking mental-health help say they are having problems because of the spill.

The oil spill followed waves of hard luck for the region, including hurricanes and recession. Experts say it's impossible to determine how much of the current mental health downturn could have roots in other ordeals.

But a study conducted over the summer in 13 counties and parishes with a total population of 1.9 million found that 13 percent of coastal adults from Louisiana to Florida suffered probable serious mental illnesses after the spill, although it wasn't clear exactly how many problems were directly related to oil.

The level of mental illness was similar to that seen six months after Hurricane Katrina decimated the coast five years ago, and experts aren't yet seeing any improvement in mental health five months after the oil crisis began. Before Katrina, a study by the National Institute of Mental Health found only 6 percent of area residents with likely mental illnesses.

"From the types of patients we are seeing in our emergency departments, clinics and hospitals, the problems are persisting," said William Pinsky of the New Orleans-based Ochsner Health System, which conducted the random telephone survey of 406 people in four states.

Sleeplessness, anxiety, depression, anger, substance abuse and domestic violence are among the most common problems reported by mental health agencies.

BP has provided \$52 million for mental health care in the Gulf region, with \$15 million going to the Louisiana Department of Health and Hospitals; \$12 million each to the states of Alabama and Mississippi; \$3 million to Florida; and \$10 million to the federal Substance Abuse and Mental Health Services Administration.

Even though the oil stopped flowing in July and the BP well was finally killed this month, some officials say the toll on mental health may get worse as the financial strains of summer persist into the fall.

"It's like a virus that's spreading," said Tonya Fistein, one of four counselors hired by AltaPointe Health Systems specifically to help people deal emotionally with the spill in Bayou La Batre, a tiny Alabama fishing community hard hit by the disaster.

AltaPointe's clinic is seeing twice as many new patients as in 2009, an increase it blames on the spill. In Gulfport, Miss., 42 percent of the patients surveyed at the Gulf Coast Mental Health Center said they were sad or depressed because of the spill.

Steve Barrileaux, a psychologist at the Gulfport center, said some of the problems leading to mental health issues are obvious, like the loss of work by a person who rented chairs on the beach. Others are more subtle, however.

Many people are worried deeply about the environment, for instance, or lament the lost moments they would have spent fishing recreationally with loved ones. Others are still afraid to eat seafood, even on the coast where livelihoods depend on it.

"What's scary is the long-term damage that can be done, and we just don't know about that," Barrileaux said.

Kim Thai, a single mother of four who worked as a sorter on a shrimp boat before oil began pouring into the Gulf, now lives on BP claim money. She said she used to earn about \$4,000 a month, but her BP claims payments have totaled only \$10,000 for six months, or less than \$1,700 monthly.

"I spend a lot of time thinking now when I can go to work, how I can hold this family together," said Thai, of Bayou La Batre. "I worry about my kids seeing me this way and them getting sad or it affecting their school work."

Chanthy Prak also frets constantly about how to make ends meet in the post-spill world.

Prak worked in crab houses around Bayou La Batre before the oil hit. She and her husband, another seafood worker displaced by the spill, have received only \$5,000 in claims payments since May to support them and their seven children.

"I worry. There's money going out but no money coming in," said the Cambodia native.

In some areas, higher rates of mental problems appear to have little to do with the oil.

At Lakeview Center, which provides mental health services in Pensacola, Fla., calls have increased to a crisis intervention line compared to 2009, but relatively few people have mentioned the oil spill as the reason they need help, said spokeswoman Karen Smith. Psychologists believe the uptick is most likely linked to the recession, she said.

More oil came ashore just to the west of Pensacola in Baldwin County, Ala., however, and a survey conducted for the state by the Centers for Disease Control and Prevention found significant mental health problems that people blamed on the spill.

Twenty-three percent of households in the area reported having at least one person who blamed sleep troubles on the spill, and 11 percent had at least one person with appetite loss. Perhaps most tellingly, 32 percent reported a decrease in income linked to the oil spill, which could lead to additional strain, said Dr. Charles Woernle, the state epidemiologist with the Alabama Department of Public Health.

Officials along the Gulf coast worry that many of the hardest-hit groups — shrimpers, Asian seafood workers and low-wage tourism employees — won't seek help for mental problems because of cultural taboos.

At AltaPointe, officials hope to use a share of the BP money to pay for additional oil-spill counselors.

Tejuania Nelson, who runs a day-care center in fishing-dependent Grand Bay, Ala., said preschoolers whose parents were left jobless because of the spill are lashing out in unsettling ways.

"They're throwing desks, kicking chairs," she said. "It's sad. With this, people do not have hope. They cannot see a better time."

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In this Sept. 15, 2010 photo, Margaret Carruth sits on the tailgate of her pickup truck going through belongings as she ponders her fate after attending a public hearing to listen concerning BP oil spill claims. Carruth is living in her pickup truck after losing her home in Orange Beach, Ala. after being unable to pay bills after the gulf oil spill. (AP Photo/Dave Martin)



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## Panel: Lowballing oil spill number akin to Custer

(AP) – 25 minutes ago

WASHINGTON — The head of a White House-appointed panel examining the BP oil spill compared the federal government's underestimate of the spill's size to Gen. George Custer's fatal lowballing the number of Indians at Little Big Horn.

The two co-chairmen of the national oil spill commission on Monday said early government estimates caused the public to lose trust in what it was being told. The spill was about 60 times bigger than first estimated.

Incident Commander Thad Allen told commissioners the low estimates didn't hamper government response, but panel co-chair William Reilly said he had trouble believing that.

Panel co-chair Bob Graham compared the estimates to Custer, saying it led to further major problems.

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## BP investigation limited, executive says

10:21 AM CDT on Monday, September 27, 2010

Dina Cappiello, The Associated Press

WASHINGTON – Engineering experts probing the [Gulf of Mexico oil spill](#) exposed holes in BP's internal investigation as the company was questioned Sunday for the first time in public about its findings.

BP's lead investigator acknowledged that the company's probe had limitations.

Mark Bly, head of safety and operations for BP, told a National Academy of Engineering committee that a lack of physical evidence and interviews with employees from other companies limited BP's study. The internal team only looked at the immediate cause of the April disaster, which killed 11 workers and unleashed 206 million gallons of oil into the gulf.

"It is clear that you could go further into the analysis," said Bly, who said the investigation was geared toward discovering things that BP could address in the short term. "This does not represent a complete penetration into potentially deeper issues."

For example, the National Academy of Engineering panel noted that the study avoided organizational flaws that could have contributed to the blast. BP has focused much of its work on decisions made on the rig, not with the managers on shore.

BP's testimony, and the questioning, lasted more than three hours Sunday. It was the first time BP's six-person investigation team was questioned publicly about its findings. Today and Tuesday in Washington, investigators will turn their attention to the government's response to the spill and its impact on the economy and environment at a hearing of the national spill commission set up by [President Barack Obama](#).

BP's study found that eight separate failures led to the accident. The report blamed BP and other companies, including [Transocean](#), the rig's owner, and [Halliburton](#) Co., which was hired to do the cement work.

But the conclusions were made without examining the drilling rig, which remains on the sea floor, or the blowout preventer, a key safety device that was brought to shore recently. Instead, the company relied extensively on real-time data collected aboard the rig to reconstruct what happened.

BP also did not have access to samples of the cement used to seal the well, and said Halliburton refused to supply a similar mix for testing. BP has said the cement failed.

Halliburton officials criticized the methodology that BP used to draw its conclusions and its claim that the well's design played no role in the incident.

"BP's well design and operational decisions compromised well integrity," said Thomas Roth, a Halliburton vice president. "BP proceeded with well operations without establishing well integrity. In the end, BP followed a decision tree that ignored multiple red flags."

The National Academy of Engineering was asked by the [Interior Department](#) to look into the causes of the disaster and identify ways to prevent similar accidents. A report with the committee's preliminary findings will be published no later than Oct. 31.

Dina Cappiello,

The Associated Press

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## Allen: Third party needed in oil spill response

By DINA CAPPIELLO and SETH BORENSTEIN – 21 minutes ago

WASHINGTON — The federal official running the BP oil spill response is proposing a third party to represent polluters to correct the perception that the company is in charge of cleaning up its own mess.

Incident Commander Thad Allen told the national oil spill commission that BP in no way tried to short-change costs, even though the public and politicians thought the company did. He proposed that someone from the oil industry could represent the polluter in future spills, instead of the company at fault, and eliminate the possible conflict of interest.

Twice Billy Nungesser — president of Plaquemines Parish, one of the Louisiana parishes affected by the spill — told the oil spill commission that he still doesn't know who is in charge.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

WASHINGTON (AP) — A panel that President Barack Obama appointed to investigate the Gulf oil spill will begin Monday to scrutinize how his administration reacted to the disaster.

The two-day meeting of the presidential oil spill commission will look at the controversial use of chemical dispersants, a moratorium on deep-water drilling and Obama's plans to make the Gulf's environment better than it was before the accident. It will also examine who was in charge of making critical decisions — BP PLC or the federal government.

The April 20 explosion and fire killed 11 workers, sunk the Deepwater Horizon drilling rig and unleashed 206 million gallons of crude into the Gulf of Mexico. It also tested the oil industry's and government's capabilities to respond to a massive blowout in deep water.

The commission's meeting follows testimony made by BP to another panel of independent experts in Washington on Sunday that revealed gaps in the company's internal investigation into what caused the massive spill.

BP's study found eight separate failures led to the blowout. The report blamed BP and other companies, including Transocean, the rig's owner, and Halliburton Co., which was contracted to do the cement work.

But the conclusions were made without examining the drilling rig, which remains on the sea floor, or the blowout preventer, a key safety device that was brought to shore only recently. Instead, the company relied extensively on real-time data collected aboard the rig to reconstruct what happened. BP also did not have access to samples of the cement used to seal the well, and said Halliburton refused to supply a similar mix for testing. BP has said the cement failed.

Mark Bly, head of safety and operations for BP PLC, told the National Academy of Engineering committee that a lack of physical evidence and interviews with employees from other companies limited BP's study. The internal team only looked at the immediate cause of the disaster.

"It is clear that you could go further into the analysis," said Bly, who said the investigation was geared to discovering things that BP could address in the short term. "This does not represent a complete penetration into potentially deeper issues."

Najmedin Meshkati, a professor at the Viterbi School of Engineering at the University of Southern California, said he wondered why BP called its report an accident investigation when it avoided organizational flaws that could have contributed to the blast. BP has focused much of its work on decisions made on the rig, not with the managers on shore.

"How could you call this great work accident investigation ... and not address human performance issues and organizational issues and decision-making issues?" Meshkati asked.

Online:

National Academy of Engineering committee into BP disaster: <http://tinyurl.com/372asmp>

Oil spill commission: <http://www.oilspillcommission.gov/>

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Reuters Africa - 10 minutes ago

BP says company's oil spill study had limitations

**AP** Associated Press

Map







## BP, Missouri company develop new technology

By Ellihue2

Created Sep 26 2010 - 10:25am



**Boom Blaster** Grand Isle Louisiana -- New technologies developed during BPs Deepwater Horizon Response will forever change the way oil spills are responded to.

Gulf Coast Environmental Resources, LLC., lead by Tim Pedigo and Greg Huntsman has developed a new technology to automatically decontaminate oil containment boom. Millions of feet of containment boom were deployed during the 2010 Gulf Oil Spill to protect sensitive shoreline areas such as the coastal marsh, seabird nesting areas, marinas and marine wildlife areas.

The traditional method of decontaminating oiled boom required men to manually lay 100 foot sections along wooden pallets then walk along with high pressure equipment spraying off the contaminants. Once one side was clean the men would manually flip it over and repeat the process manually.

In June at a meeting in Venice Louisiana Mr. Pedigo learned that BP executives were frustrated with the way boom had to be decontaminated. The inherent safety issues associated with men walking on slippery wooden pallets in rubber boots handling high pressure equipment with flying debris was unacceptable. They wanted a system that would protect their employees.

GCER commissioned St. Louis based D&S Car Wash Systems, Inc., to build the prototype machine dubbed "The Boom Blaster". Inventor Tim Pedigo designed the Boom Blaster to meet BP's safety requirements and increase quality and production. Oiled boom is fed into the machine where it is automatically scrubbed and sprayed. Flying debris and vapor are contained inside the machine and the contaminants drop into a catch basin that is connected to an vacuum truck for disposal.

After the initial demonstration BP Incident Commands Robert Kretzer and Don Ballard expressed that BP was committed to improving the SAFETY of its employees and would gladly sponsor further development of Boom Blaster.

30 year oil spill veteran and Unified Command leader Jim McHale stated "The Boom Blaster is the best systems he's seen for Boom Decon" And BPs incident Commander Keith Seilhan said "My hat's off to this group of individuals, BP loves to see new innovative technology. We've had a million ideas thrown at us but this is the best improvement I've seen at decon. This is real American ingenuity and spirit at work. They really have something here."

Since late July the Boom Blaster has been in production 24 hours a day at Grand Isle Shipyard located in Grand Isle Louisiana.

The Boom Blaster has received endorsement and approvals from OSHA, United States Coast Guard, Louisiana Fish and Wildlife, EPA and the Louisiana Department of Environmental Quality.

Boom Blaster inventor Tim Pedigo said "There are hundreds of unsung heroes working to clean up the gulf. I knew what we were doing would protect workers and make a difference. Robert Kretzer and Don Ballard helped us succeed, we couldn't have developed this technology without their encouragement. They are proof that BP's commitment to "making it right" is the real deal."

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Photos available: [greg@gulfcoastenviro.com](mailto:greg@gulfcoastenviro.com)



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## Action sought to repair Gulf Coast

By [Nikki Buskey](#)  
Staff Writer

*Published: Saturday, September 25, 2010 at 6:01 a.m.*

HOUMA — Eighty percent of the fines BP will pay in the wake of the Deepwater Horizon oil spill should go to a fund that would help Gulf states repair and restore their coasts, a new report recommends.

A coalition of environmental and energy-industry groups gave Congress dozens of recommendations last week aimed at reviving and enhancing the coastal states' economies, cultures and natural resources.

"Along with the serious impacts this region has incurred due to the Deepwater Horizon spill are opportunities as well," said R. King Milling, chairman of the America's Wetland Foundation. "Through both economic initiatives and environmental-restoration efforts, there is real potential to make this coast more resilient and sustainable. The report highlights these opportunities and calls for actions to make them reality."

America's Energy Coast, representing nonprofits, the energy industry and coastal stakeholders in the Gulf region, presented Congress and the Obama administration its report, "Secure Gulf Project: Sustaining Natural Resources and the Communities of America's Energy Coast.

"The problem won't get solved unless we bring everyone to the table," said Val Marmillion, managing director of the America's Wetland campaign.

Many of Louisiana's environmental woes stem from a decision years ago to restrict the Mississippi River within levees, preventing its natural floods from dumping sediment in the wetlands and causing them to slowly deteriorate. Canals cut for oil, gas and industry navigation have sped the process. And the oil spill caused further threats to the environment while making many question the safety of the industry.

"The fact is that the industry and the environment go together in Louisiana, and they shouldn't have to counteract one another," Marmillion said. "We should have the opportunity to have safe and secure energy production while restoring our ecosystem.

Conservative estimates suggest that the Gulf Coast will be shouldered with the responsibility of providing secure, conventional energy resources to the nation at current rates or more for at least 25 years as the U.S. transitions to alternative sources, Marmillion said.

The report outlines the extensive energy-industry equipment and structures already existing along the coast that are threatened by environmental collapse.

Texas, Louisiana, Mississippi and Alabama provide the U.S. with 30 percent of its total oil and natural-gas supply and 90 percent of its offshore supply. A third of the nation's seafood and commerce transported in and out of the U.S. come through Gulf Coast ports, the largest port system by tonnage in the world, the report notes.

The consequences of natural and man-made disasters on the Gulf Coast will cost the nation billions of dollars as coastlines continue to erode.

The group asks the federal government to immediately create a trust fund using BP fines as a start. The fund would be shared by Louisiana, Texas, Mississippi, Alabama and Florida.

"The coastal areas of this region are in need of immediate and concentrated attention. The federal trust fund can be a powerful step in restoration efforts," said Karen Gautreaux, regional director of governmental relations for The Nature Conservancy.

Among other recommendations:

- n The Outer Continental Shelf oil-and-gas revenue-sharing program set to begin in 2017 should instead start sharing federal money for coastal-restoration in March 2011.

- n Gulf oil-and-gas operations suspended after the Deepwater Horizon incident should be evaluated, with new procedures and requirements clarified and implemented with a sense of urgency, to offset impacts to the region's economy.

- n Federal agencies should assess the coast's energy-transportation systems, such as highways and waterways, for vulnerabilities imposed by coastal land loss. Loss of the landscape to coast erosion could destroy the Gulf Intracoastal Waterway and the services it provides for the shipping, fishing, and energy industries.

- n The Gulf Coast should invest in a water-research institute to attract scientific talent to coastal issues and lead the nation in new energy technologies, especially natural gas.

- n All levels of government must recognize that "cultures along the energy coast region are at risk of being lost." National and state policies must address land loss and the threat of natural disasters, incorporating the principle of "no net loss of culture."

- n Immediately fund construction of already-authorized projects to reconnect the Mississippi River with its wetlands and restore barrier islands.

- n Establish a federal-state authority with the capacity, the will and the resources to get the job of restoration done in time to build on existing land and prevent land loss that will increase exponentially without action.

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## New phase of Gulf oil hunt begins

By [John DeSantis](#)

Senior Staff Writer

Published: Saturday, September 25, 2010 at 6:01 a.m.

POINTE-AUX-CHENES — As the BP oil-spill cleanup continues on some local waters, questions persist about the effects of crude that has disappeared under the surface.

Residents who live closest to affected marshes, especially American Indians who live off the land and water, say they fear development of oil plumes that could foul traditional fishing grounds and result in empty freezers as winter approaches.

But scientists using sophisticated instruments capable of discovering the presence of oil down to parts per billion say so far the news is good. Any residual surface oil residents might see is just weathered, old oil that drifted onto local waters back before the Deepwater Horizon well's flow was shut down in July.

"We are trying to answer that concern," said Janet Baran, the researcher who co-leads subsurface monitoring for the National Oceanic and Atmospheric Administration. "We have a sampling program put in place to answer that and some of that we have made progress on."

Much of the water and sediment sampled thus far, Baran and other scientists said, is clear of any traces of oil that anyone should be concerned with.

That conflicts with separate studies by scientists at LSU and the University of Georgia, who said two weeks ago that they had found large quantities of oil beneath the Gulf of Mexico's surface and on the sea floor.

The proof, Baran said, is in the testing, and scientists won't give a final "all-clear" until they are certain the oil has either been cleaned up or broken down by bacteria and natural processes.

Sediment sampling involves checking what is left of microscopic or near-microscopic life forms that live beneath the sea to determine if there has been contact with oil and if oil is remaining.

The testing, scientists said, is not visual but chemical. The presence of certain compounds tells scientists that oil is there. But so far those tests, as well as tests of the water from the surface to the sea floor, have come up with nothing.

"It is expected within the next couple of weeks we will have all the sediment samples," Baran said. "But so far the doctors have said there is a lack of presence of oil. Six vessels are working the continental shelf and deep water, with 30,000 samples. There were over six vessels out last week."

What has caused a lot of confusion, scientists said, was release in July of information from research showing large underwater plumes that were detected chemically and not visually.

The science, they said, was good. But it was part of a work in progress. Since then the plumes have degraded to where they do not appear to pose a threat, Baran said.

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That's good news to Albert Naquin, chief of the Biloxi-Chitimacha Choctaw Indians. Answering questions people in Pointe-aux-Chenes and Isle de Jean Charles have about oil sightings has been a difficult task for him because he did not have a lot of the scientific information.

Naquin said his communities were particularly concerned because so many of the people depend on fish they catch to feed themselves.

"They should have told us something," said Naquin, who was at a loss to explain to his people why the oil-cleaning operation for BP manned by Indians in boats was cut short weeks ago. "The people were panicked already, and we weren't told."

Baran said dilution is still occurring, with "more and more water mixed in."

"We are finding less and less," she said. "There is less and less of a signal in the water column. There was this layer in the water column that still exists, but it is in much lower concentrations and continues to degrade over time."

One thing she is certain of, and wanted to share with people, is that once the oil degrades and falls to the bottom it stays there and continues degrading.

"It does not come back," she said.

Senior Staff Writer John DeSantis can be reached at 850-1150 or [john.desantis@dailycomet.com](mailto:john.desantis@dailycomet.com)



## Daily Environment Report<sup>TM</sup>

Source: Daily Environment Report: News Archive > 2010 > September > 09/28/2010 > News > Mining:  
Navajo Nation Asks U.S. Supreme Court To Reverse New Mexico Uranium Ruling

186 DEN A-5

### **Mining**

### **Navajo Nation Asks U.S. Supreme Court To Reverse New Mexico Uranium Ruling**

Members of the Navajo Nation have asked the U.S. Supreme Court to overturn a license to mine uranium on tribal lands in New Mexico, mining the petitioners say could expose them to unhealthy levels of radiation (*Morris v. NRC*, U.S., No. 10-368, 9/15/10).

Eastern Navajo Dine Against Uranium Mining and others on Sept. 15 challenged a March 8 opinion by the U.S. Court of Appeals for the 10th Circuit, which upheld a license granted to Hydro Resources Inc., a non-Indian mining company, for operations in the Navajo Nation's Church Rock and Crownpoint chapters in McKinley County, N.M. (*Morris v. NRC*, 598 F.3d 677, 70 ERC 1097 (10th Cir., 2010); 45 DEN A-6, 3/10/10).

If accepted for Supreme Court review, the case would continue debate on the claims by the Navajo that they are unfairly being asked to bear the environmental, health, and safety risks of a resurgence of uranium mining in New Mexico.

At issue is whether Nuclear Regulatory Commission rules require the commission to take into account radiation from existing mining waste at a site when determining the amount of potential radiation exposure in granting a license for new mining activity at that same site.

The commission says it need not consider radiation from existing waste. The petitioners contend that the rules require the commission to take existing waste into account and argue that if the commission had done so it could not have approved the license.

In a 2-1 decision by the 10th Circuit on the issue, the majority wrote that the Crownpoint Uranium Project could proceed even though the NRC's license allowed uranium mining within the watershed that provides the town of Crownpoint's water supply.

Judge Carlos F. Lucero dissented from the majority's holding, writing that the operation would result in releases of gamma radiation and radon at levels far above the regulatory limit.

### **Radiation Levels at Issue**

Lucero said the NRC granted the license even though the mining "will ultimately produce radiation many times the permitted limit" and will expose families near the mining to "levels of radiation beyond those deemed safe by the NRC's own regulations, jeopardizing their health and safety."

NRC rules at 10 C.F.R. § 20.1301(a)(1) require that each licensee shall conduct operations so that the total effective dose-equivalent to individual members of the public from "the licensed operation" does not exceed 0.1 rem (1 mSv) in a year.

The majority opinion defers to the NRC's interpretation of the term "licensed operation" as meaning that only new activities in removing uranium from the ground and processing it are at issue. Therefore, 10 C.F.R. § 20.1301(a)(1) does not require the mining company to count significant radioactive emissions from pre-existing mine waste on the site, the court said, citing NRC's interpretation.

Lucero, in his dissent, said that interpretation allows NRC to grant a license "in derogation of its duty to protect public health and safety ... ."

The petition asks the Supreme Court to require that the pre-existing mine waste be included in determining the dosage level allowable during the new uranium mining activities.

### Financial Surety Faulted

The second argument advanced by the Navajo members is that the 10th Circuit acted wrongly in approving a financial surety for groundwater restoration that the Navajos believe is inadequate.

The petitioners argue that the surety was based on the erroneous assumption that high-quality groundwater values could be averaged with values for the polluted ore zone and that the groundwater could be restored to that average level. Under that approach, the company would not have to restore it to a level adequate for drinking, which would have required a higher level of financial surety.

The Navajo representatives argue that by accepting this averaging, the 10th Circuit approved an NRC violation of the Atomic Energy Act's prohibition against licensing operations that are harmful to public health and safety.

The 10th Circuit gave deference to the NRC's determination as to the level of restoration work needed and to the level of financial surety required.

The petitioners in the case include Grace Sam, Marilyn Morris, Eastern Navajo Dine Against Uranium Mining, and the Southwest Research and Information Center. Marilyn Morris and Grace Same are identified as individual members of the Navajo Nation who reside and graze livestock near the proposed Church Rock mine sites.

The respondents are the United States and the NRC. Hydro Resources Inc. was a respondent-intervenor in the 10th Circuit, and according to the petition, would be a respondent-intervenor before the Supreme Court.

The attorneys for the Navajo are Diane Curran, with Harmon, Curran, Spielberg & Eisenberg LLP, Washington, D.C.; Eric Jantz, with New Mexico Environmental Law Center, Santa Fe, N.M.; Levon Henry and Jesse Traugott, DNA-People's Legal Services Inc., Window Rock, Ariz.; and Zackeree Kelin, of Albuquerque, N.M.

The Supreme Court begins its October 2010 term on Oct. 4.

*By Robert C. Cook*

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Tuesday, September 28, 2010 4:19 AM EDT

## US EPA to regulate dental mercury waste

By IB Times Staff Reporter

The U.S. Environmental Protection Agency (EPA) will propose a rule next year to reduce mercury waste from dental offices.

The proposed rule to be finalized in 2012 is a reversal of Bush-era EPA policy that allowed dentists to take a voluntary approach to installing devices that separate out the mercury from old fillings, recycle and reuse it.

"We welcome EPA's proposal to end the Bush-era midnight deal allowing dentists to pollute until they enacted voluntary pollution prevention initiatives - which never substantially materialized," said Michael Bender, director of the Mercury Policy Project and a steering committee member of the National Mercury Products Campaign.

According to the EPA, dental amalgams, or fillings containing mercury, account for 3.7 tons of mercury discharged from dental offices each year. About 50 percent of mercury entering local waste treatment plants comes from dental amalgam waste. EPA cited an estimate in 2007 that 36 percent of the mercury reaching municipal sewage treatment plants is released by dental offices.

When amalgam enters water, certain microorganisms can change elemental mercury into methylmercury, a highly toxic form that builds up in fish, shellfish and animals that eat fish. Fish and shellfish are the main sources of methylmercury exposure to humans. Methylmercury can damage children's developing brains and nervous systems even before they are born.

Mercury released through amalgam discharges can be easily managed and prevented. Amalgam separators can separate out 95 percent of the mercury normally discharged to local waste treatment plants. The separator captures the mercury, which is recycled and reused.

Across the United States, many states and municipal wastewater treatment plants (publicly owned treatment works (POTWs)) are working toward the goal of reducing discharges of mercury to POTWs. EPA estimates there are about 160,000 dentists working in over 120,000 dental offices who use or remove amalgam in the United States - almost all of whom discharge their wastewater exclusively to POTWs.

"EPA's proposal will not only clean up dental mercury pollution here at home, but also highlights the need to reduce amalgam impacts internationally," said Bender. "Global mercury negotiations are currently underway, and the annual use of over 300 tons of dental mercury globally is getting increasing scrutiny."

Until the rule is final, EPA encourages dental offices to voluntarily install amalgam separators.

The American Dental Association said its governing body is expected to take up amalgam separator policy in advance of EPA rulemaking.

## Crews begin debris removal at Corpus Christi Beach blast site

### Motel insurer hires forensics firm to help with investigation

By Steven Alford

Originally published 06:33 p.m., September 27, 2010

Updated 04:22 a.m., September 28, 2010

CORPUS CHRISTI — Beneath large piles of charred wood, bent metal and shattered glass, may lie the answer to an explosion.

Fire investigators have resumed their investigation into the Sept. 16 blaze blast at the Aquarium Inn & Suites on Corpus Christi Beach. Heavy rains last week delayed the work.

City investigators have been focusing on natural gas as the possible cause, investigators said.

"It's happened in other parts of the country and we're fairly certain that's what we're dealing with here," Corpus Christi Fire Marshal Andy Cardiel said.

On Monday, workers from EFI Global used a trackhoe to pull pieces of the building out of the blast crater, dropping them into metal bins.

"We're breaking down the scene, removing the debris and trying to determine the exact point of origin of the explosion," Cardiel said.

EFI, a Dallas-based forensic engineering company, has been hired by the motel's insurance company to aid investigators, which Cardiel said is not uncommon with major fires.

A local adjuster has assessed the inn's damage at more than \$700,000.

Officials say it will be slow going as each layer peeled away and each detail is reviewed.

Pieces of the building will be sent to labs around the state for review, Cardiel said.

"This begins with a very broad investigation and then we start ruling things out and

getting down to the specifics,” Cardiel said.

“We’re looking for any equipment, appliances — anything consistent with the beginning of the blast.”

Three people were injured in the explosion, two were released, while the manager was flown to a San Antonio burn unit, where city officials said still is being treated. Investigators have not been able to interview her about the blast.



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# Environmental PROTECTION

## WEF Starts Conference with New Orleans Community Service Project

Sep 27, 2010

The Students and Young Professionals Committee of the Water Environment Federation (WEF) is managing the construction of a bioswale in the Lower Ninth Ward of New Orleans, kicking off activities for WEFTEC10, which is scheduled for Oct. 2-6.

Representatives from WEF and local dignitaries, including Charles E. Allen III, director of New Orleans' Mayor Landrieu's Office of Environmental Affairs, are expected to share their vision for environmental protection and community service during the opening ceremony and groundbreaking. Coordinators of the project are Global Green and Groundwork New Orleans.

The Lower Ninth Ward was one of the most heavily damaged areas from Hurricane Katrina in 2005. The construction of a bioswale will help limit overland flooding by retaining stormwater runoff while removing silt and pollution.

Event organizers also will host a water carnival from 10 a.m.-2 p.m. on Saturday. Community organizations, state agencies, university groups, and WEF entities will provide hands-on activities and information to the community regarding sustainable neighborhoods, water quality, wastewater treatment.

The bioswale will be built on the corner of Andry Street and N. Peters Street in the Holy Cross neighborhood.

In 2005 when the city's levees broke under pressure from Hurricane Katrina-generated storm surges, the entire Lower Ninth Ward experienced catastrophic flooding and widespread devastation. The bioswales project supports grassroots solutions on a local level and promotes WEF's overall mission to preserve and enhance the global water environment.

Project and in-kind sponsors include: Advanced Engineering and Environmental Services, Archer Western Alberici, Baker Transportation & Logistics, Bayou Rebirth, Black & Veatch, Bottom Line Equipment, Brentwood Industries, Brown and Caldwell, CDM, Chesapeake Water Environment Association, City of New Orleans Police Department, Cleveland Tubing Inc., Delta Mining, LLC, Duperon Corporation, Eimco, Fluid Control Specialties, Inc., Future Proof, Greater Little Zion Missionary Baptist Church, HACH, HDR Engineering, Hike for KaTREEna, Jenkins Farm and Nursery, LaFarge Aggregate, Lower 9th Ward Village Community Center, LSU AgCenter Extension Response and Recover Task Force, Make it Right Foundation, Municipal Water District of Orange County, New Orleans Sewerage and Water Board, Pacific Northwest Clean Water Association, Stantec, Storm Hunter Hauling, Veolia Water, Westfall Manufacturing, WESTON Solutions, and World Water Works Inc.

The 83rd annual technical exhibition and conference, which will be held at the New Orleans Morial Convention Center, features 112 technical sessions, 33 workshops, and several events, including:

A keynote presentation from Steven Solomon, an esteemed economics journalist and author of *Water: The Epic Struggle for Wealth, Power, and Civilization*. Solomon will share his insights about the historical impact of water on societies, and the growing issues over scarcity and pollution that could lead to a global crisis without more sustainable approaches to water management.

U.S. EPA Deputy Administrator Robert Perciasepe will update attendees on the agency's current policies, priorities and programs—with a special emphasis on water issues.

High profile speakers including Louisiana Department of Environmental Quality Secretary Peggy Hatch, Applied Science Associates' Deborah French McCay, and Ocean Springs, Miss., Mayor Connie Moran to discuss "Deepwater Horizon: Gulf of Mexico Oil Spill Response and its Effects on the Water Environment."

In addition, more than 200 wastewater treatment professionals will be competing for the 2010 title in Operations Challenge, a skills competition for operations and maintenance professionals.

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## Texas Tech to host Society of Environmental Journalists

Reported by: Jessica Miller  
Email: [jmiller@fox34.com](mailto:jmiller@fox34.com)  
Last Update: 9/27 11:48 pm

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Texas Tech is landing an impressive gathering. The Society of Environmental Journalists will convene in Lubbock in 2012. The group is rather selective; choosing only major research universities in the past. Dr. Ron Kendall played a major role in getting the conference to Lubbock.

"As an emerging national research university we need somebody to tell the story of the great work going on at Tech and in West Texas. We are a national impact region and University, which we think is pretty exciting because this will be a presidential election year and that could bring a lot of ramifications regarding the debate on the environment as well as issues associated with regional and national impact and environment issues," Kendall said.



(Courtesy: Texas Tech University)

This society only accepts journalists dedicated to advancing public understanding of environmental issues.



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# Richardson homeowners ask city to approve rainwater irrigation system

12:09 AM CDT on Monday, September 27, 2010

By IAN McCANN / The Dallas Morning News  
[imccann@dallasnews.com](mailto:imccann@dallasnews.com)

As homeowners become more environmentally conscious, they are leading cities into unfamiliar territory.

In many cases, people are bringing centuries-old practices, such as collecting rainfall, into modern urban and suburban areas.

Regulations developed for suburbia weren't written with that in mind, sometimes resulting in red tape as cities catch up with emerging trends.

That's the case in [Richardson](#), where a resident wants to collect rainwater for landscape irrigation. Because rain harvesting systems aren't specifically allowed in the city's code, the only route was to seek zoning approval. It's a time-consuming and sometimes costly process that puts people at the mercy of the Plan Commission and the City Council.

"Most city engineers or building officials don't have a good knowledge or a working knowledge or a history with these things," said Billy Kniffen, a water resource specialist for the Texas AgriLife Extension Service. "When you're not familiar with something, there's going to be a fear of it."

Michael Precker thought what he and his wife, Ruth, were asking for was simple. As they were planning to replace their landscaping, they wanted to add a drip irrigation system.

"We had this great idea – why not go all the way and use rainwater?" he said. "We just think it's a good thing, looking to the future of Texas water. We just want to do a little bit of good."



They already have several 55-gallon rain barrels but wanted something larger.

Precker said city staffers have been nothing but helpful, simply doing their jobs to address an issue new to them. Still, the Preckers may be discouraged from installing the system because the Plan Commission voted to require a cedar fence around the 650-gallon tank. A council public hearing is expected in mid-October.

Sam Chavez, Richardson assistant director of development services, said his staff surveyed peer cities and found few regulations for a rainwater system. This issue, he said, is a visual one, since there will be a tank alongside the home.

"It's something cities are going to have to start addressing," he said. "This rain harvesting request is a test case."

Rainwater harvesting isn't the only emerging trend cities have been asked to address recently. Wind turbines have become an issue in several suburbs such as Allen and [Flower Mound](#), and Dallas officials have wrestled with whether and how to regulate community gardens and outdoor neighborhood markets.

Whether it's new technology or incorporating old practices, homebuilding is evolving more quickly than ever. So, as cities try to protect aesthetics and public health, they often move more slowly than the marketplace does. And they rely on organizations that write uniform national standards to address emerging issues, another slow process.

"If something goes wrong, they want to have that backing of the uniform code," Kniffen said.

Dave Viola, director of special services for the International Association of Plumbing and Mechanical Officials, said his organization is trying to stay current with emerging environmental trends. This year, it published for the first time a "green supplement" to its Uniform Plumbing Code.

"The primary purpose is to identify barriers and to address barriers to green building," Viola said. "If it's not addressed [in the code], it's a barrier."

The code supplement handles the issue of cross-contamination but exempts systems that don't connect to treated water. For those that do hook into a house's overall water system, devices to prevent water from flowing back into city pipes are required.

Kniffen and Darrell McMaster, president of the Texas Rainwater Catchment Association, said they understand the need to protect a city's treated water system from contamination.

But, McMaster said, there's little or no risk. He said his organization is working with state

officials to set regulations, rather than work city by city to loosen restrictions on rain harvesting.

Kniffen, who uses the sky as his primary source of water, said the rainwater harvesting industry has advanced significantly over the past few years. And cities will eventually catch up.

"Part of the thing we need to do is have inspectors for rainwater systems," he said. "You get the codes rewritten. You get cities to adopt those codes."

Those involved with rainwater collection said there's no question it will become more popular.

"The younger generation is really looking at sustainability," Kniffen said. "As water becomes more precious, we're going to have to."

## EPA RAINWATER REPORT

The U.S. [Environmental Protection Agency](#) in 2008 published a report on the use of rainwater in households and commercial buildings. It said a barrier to using the resource was a lack of local policy on the issue. It recommended cities and states:

- Specify rainwater as a supply source. Otherwise, it is often treated as reclaimed "graywater," which has tight restrictions on its use.
- Specify permitted uses for rainwater, such as irrigation, toilet flushing and vehicle washing. Also provide a permitting and testing process if rain is to be filtered and used as potable water.
- Detail requirements for water systems, such as storage standards, filtration, preventing backflow into treated water supply, and signage.
- Establish a permit application process for harvesting systems but exempt rain barrels.



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# At a glance: EPA rainwater report

12:00 AM CDT on Monday, September 27, 2010

The U.S. [Environmental Protection Agency](#) in 2008 published a report on the use of rainwater in households and commercial buildings. It said a barrier to using the resource was a lack of local policy on the issue. It recommended cities and states:

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- Detail requirements for water systems, such as storage standards, filtration, preventing backflow into treated water supply, and signage.
- Establish a permit application process for harvesting systems but exempt rain barrels.

## Bitter climate puts energy ideas on ice

### Political, fiscal obstacles slash chance of passing major initiatives

By JENNIFER A. DLOUHY  
 HOUSTON CHRONICLE  
 Sept. 27, 2010, 6:30AM

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WASHINGTON — For two years, energy industry leaders and environmentalists have implored Congress and the Obama administration to deliver on promises to wean the U.S. off foreign oil.

But plans to expand offshore drilling, cap greenhouse gas emissions and use federal dollars to spark a nuclear power renaissance have collapsed on Capitol Hill amid partisan bickering and entrenched regional disputes.

The window for passing any sweeping energy proposals now has closed — and those big ideas aren't likely to go anywhere during Obama's first term in the White House.

"Congress is going to tiptoe through this issue more than they have the last few years," said Jim DiPeso, policy director for Republicans for Environmental Protection, an advocacy group. "There will probably be more piecemeal attempts to deal with energy issues, rather than

an all-encompassing magnum opus."

Major political obstacles will be standing in the way. The House and Senate will inevitably be more evenly divided - with a narrower ratio of Democrats and Republicans on influential committees, reflecting the expected results of the Nov. 2 elections.

That also means congressional leaders will have a tougher time lining up enough votes to pass anything significant - much less controversial energy plans.

The anticipated election of some tea party-backed candidates - and the surge of anger from voters concerned about federal spending - also will be a roadblock for expensive plans to subsidize nuclear power, renewable energy sources and so-called "clean coal" technology.

And that's even before presidential election politics start getting in the way leading up the 2012 election.

"The more time you take, the closer you are to the colossal distractions of the 2012 election cycle," DiPeso said. "Time will be a luxury that Congress does not have because you'll start to see the early moves of the presidential dance begin sooner rather than later."

The administration's plan for an economywide cap-and-trade system for reining in greenhouse gas emissions is completely off the table, said Kevin Book, an analyst with the Washington, D.C.-based research firm ClearView Energy Partners.

"The notion of a big climate bill ... is over for as far as we can see," Book said.

In its place: legislation that would bar the U.S. Environmental Protection Agency from regulating those emissions, at least for a few years.

"It's difficult to imagine passage of global warming legislation in the next Congress," said Daniel J. Weiss, of the liberal Center for American Progress Action Fund.

"It's much more likely there is a pitched battle about whether to block EPA from setting limits on global warming pollution."

#### Offshore drilling

Even with expected Republican gains in the House and the Senate, initiatives to expand offshore drilling also are dead in the water. The idea had been advanced this year as part of a potential compromise in a global warming package. Even if the oil spill in the Gulf of Mexico hadn't made the issue politically treacherous, supporters would have a tough time overcoming opposition from drilling foes in the Senate - especially if they couldn't wedge the plan into a broader energy bill.

Sen. Susan Collins, R-Maine, said Congress is better off trying to pass separate energy proposals instead of struggling to enact "a complex bill."

Congress has been trying "to bite off too many issues," Collins said. "We don't do comprehensive well. We should make progress in the areas where there is bipartisan consensus."

#### Funding problems

One of the top candidates is a proposal for a government-run "clean energy bank" that would help finance projects to commercialize alternative energy technology.

Other possibilities include proposals that would give a boost to electric cars and help pay for the infrastructure to support natural-gas-powered vehicles.

There also is growing bipartisan support for legislation that would force power utilities to slash their emissions of three pollutants: mercury, sulfur dioxide and nitrogen oxide.

But even if Congress can agree on those ideas, the lawmakers would still have to find a way to pay for them.



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Failed cap-and-trade plans would have funded some clean energy programs using the revenue raised by selling emissions permits. Without that dedicated revenue stream, Congress will have a tough time footing the bill, Weiss said.

Lawmakers will be focused on cutting the budget, not paying for ambitious new energy programs, he said.

"They're going to be competing with every other program that's on the chopping block," Weiss predicted. Supporters of the energy proposals "will have no way to pay for them at a time when they're going to be cutting not just fat, not just muscle (but also) cutting federal government bone."

When climate change proposals collapsed, so did the chance of using the plan to pay for - and leverage - other energy initiatives, Book said.

"The funding for high-cost sources, as well as the political incentives to make some of the difficult trade-offs, are all gone," Book said. "The fiscal conservatism future means there's less opportunity for big spending."

DiPeso predicted that some newcomers to Congress - especially Republicans who have benefited from the tea party movement - will be reluctant to open the purse strings for new alternative energy programs.

"You're going to have a lot of new members coming in who aren't going to want to spend anything on subsidies for business - or anybody else for that matter," DiPeso said. "If those veterans in Congress want to do something to gin up new nuclear power or push electrification of transportation, which will cost money - or do anything that puts numbers on the federal ledger - then they're going to have to make the argument that this is very important."

### Lame-duck plans

Sensing the looming blockade, lawmakers and lobbyists have been setting the stage for a flurry of action on energy issues when Congress returns after the November elections for a lame-duck session.

Sen Jeff Bingaman, D-N.M., and retiring Sen. Sam Brownback, R-Kan., are leading a last-ditch campaign to pass legislation that would mandate that power utilities generate 15 percent of their electricity from renewable sources by 2021.

Under their proposal, wind-generated electricity and solar power would count toward the mandate, but nuclear power would not - a major obstacle for many Republicans.

Lawmakers are laying the groundwork for a plan to get rid of some tax incentives used by the oil and gas industry. One plan backed by the Obama administration would change the rules for so-called dual-capacity taxpayers - effectively restricting the credit that they can claim on their U.S. returns for taxes paid to foreign governments.

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We also need to severely curtail the scamming EPA and end it's vicious circle of the EPA being responsible for finding reasons for the EPA's existence and the EPA being the watchdog of the EPA!

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## **ENN: Environmental News Network -- Know Your Environment**

From: RP Siegel, [Triple Pundit](#), [More from this Affiliate](#)

Published September 27, 2010 11:40 AM

### **Is the EPA America's Secret Economic Weapon?**

Do you remember the story of the tortoise and the hare? The tortoise won the race because he ran the whole race, taking the long view, seeing the big picture, unlike the rabbit who, given his speed, didn't see the need.

While China seems to be roaring ahead right now with unchecked economic expansion, the significant environmental challenges they are accumulating will eventually catch up with them. The International Fund for China's Environment estimates that the cleanup of this mess will cost well over \$100 billion annually, more than 2% of their GDP. In fact, the Academy for Environmental Planning estimates that back in 2004 China spent over 3% of their GDP on environmentally related costs and in 2007, according to the World Bank, that number was 6%. Considering that the entire US defense budget (\$771 billion last year) represented only 5.5% of our GDP that gives you some idea of the magnitude we're talking about. Does anyone still think that the environment is not a matter of national security? Environmental expenditures in the US are ounces of prevention compared to these many pounds of cure.

In India, concern over the economic impact of environmental pollution has become so acute, that a special branch of their accounting system has been created to track this. A World Bank study, back in 1992 found that environmental costs in India comprised some 4.5% of GDP. Population growth since then, equivalent to the addition of an entire US population has surely raised that figure.

Article continues: <http://www.triplepundit.com/2010/09/is-the-epa-america%E2%80%99s-secret-economic-weapon/>

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Monday, September 27, 2010

## Inventors follow bliss by following molecules

By Sherry F. Pruitt

JONESBORO — Two Arkansas State University inventors have received a U.S. patent for an apparatus designed to detect trace quantities of gases in the atmosphere.

Dr. Susan Davis Allen, director of the Arkansas Center for Laser Applications and Science and distinguished professor, and Dr. Scott Reeve, senior scientist with ACLAS and chemistry professor, were awarded a method and apparatus patent in August for "multi-color cavity ringdown-based detection."

"We're pretty excited about it," Allen said. "We need a few more hours in each day, or another day in the week."

According to a brief abstract, a multi-color cavity ringdown-based spectrometer is a device housed in a light-tight enclosure to detect trace quantities of gas phase molecules emanating from explosives, drugs or hazardous materials being transported through the enclosure or compounds contained in a patient's breath.

The invention has the capability to accommodate multiple applications. For example, it could detect the level of formaldehyde in homes or trailers. The chemical is used in manufacturing building materials, and toxic levels were found in many of the Federal Emergency Management Agency trailers purchased after Hurricane Katrina hit in 2005.

The new tool sort of acts like a super-sensitive nose detecting minute particles in the air, Reeve said. Once perfected, such a device could be used for breath analysis to detect alcohol, Allen added.

It also could be utilized as a biomarker to determine the likelihood of breast cancer, Reeve said. His hope is that one day women can breathe into a tube, and based on that breath analysis, doctors could determine the likelihood of the patient developing breast cancer. If there is a high chance, further testing would be done. Breathing or skin respiration could be used to analyze a person's body.

The inventors' patented tool could also be used to detect



Sherry F. Pruitt | The Sun

Drs. Susan Davis Allen and Scott Reeve work in their lab on the Arkansas State University campus on Tuesday. The professors received a patent for a "multi-color cavity ringdown-based detection method and apparatus." Allen is the director of the Arkansas Center for Laser Applications and Science, and Reeve is a senior scientist with ACLAS.



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components of explosive devices, they said.

"It analyzes vapors," Allen said. "Anything with vapors can be detected by this technology. It's a technology based on analyzing vapors."

Reeve and Allen said they found out just how efficient the machine is one day when a leak was discovered. Reeve said he put his finger over the input valve as a blocker. A signal indicated a low concentration of ammonia on his finger.

Researchers at ASU have been working on the project since 2005. Because no direct funding is available to move the project forward, Allen said the next step is to seek funding from a medical device company that would support the development of a prototype.

The plan is to have a spin-off company called DiagNose to seek funding for the prototype. The ultimate goal is to license the technology, Allen said.

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Airport seeks federal aid for cleanups

By DINAH VOYLES PULVER, Environment writer



### Airport cleanup sites



Officials at Daytona Beach International Airport like to look ahead, hoping to secure new airlines and aviation-related businesses to expand airport services. But, a few old problems continue to demand their attention.

So, while proceeding with plans to repave the main runway, airport owner Volusia County copes with issues dating back to World War II, conducting environmental cleanups at three locations.

The county awaits permission from the state -- expected any day now -- to begin filling in a large hole where polluted soil was removed, while in a second spot, underground bacteria work to break down harmful contaminants in the soil.

The county has spent nearly \$800,000 in the past four years and run into roadblocks trying to get funding help from the federal government.

Some of the problems are inherited. An airport has operated on the land for more than 80 years. During World War II, the property served as a U.S. Naval Air Station for pilot training, one of at least 24 sites in Volusia and Flagler counties devoted to war-time training and military defense.

At the end of the war, the property -- where streets bore names such as Pearl Harbor and Guadalcanal -- was deeded over to the city of Daytona Beach. In 1969, the city transferred the 374-acre property to the county.

The oldest environmental issues at the airport date back to that wartime training in the early 1940s.

In 2005, during construction of a new hangar on the northeast side of the airport, employees for a contractor notified the county after smelling fuel. Subsequent research found the site of eight concrete tanks that held fuel during the war.

The bunker-like structures each held about 10,000 gallons of fuel, said Steve Cooke, director of business development at the airport. The tanks were 35 feet in diameter and 8 feet tall with about 3 feet protruding above ground. The tanks were emptied years ago but were not removed, and fuel that leaked from the tanks remains in the soil.

The extent of the contamination isn't known, said Tom Carey, a groundwater program coordinator for the county.

"We're in an assessment phase right now," Carey said.

The county would like the U.S. Army Corps to help out with the cleanup, but airport director Rick Karl said the Corps will not take financial responsibility for cleanup at former defense sites if they've been altered.

Karl said it's "frustrating" the county hasn't been able to get federal funds to help "take care of something inherited."

Failing help from the Corps, the county is looking to other federal assistance, hoping to secure a grant from the U.S. Environmental Protection Agency to help with the cost of cleaning up the ground under and around the old fuel tanks. To date, the airport has spent \$59,000 on the site.

Cooke said the county hopes to obtain up to \$600,000 from EPA to complete cleanup at three tank sites.

Elsewhere at the airport, the county is cleaning up contamination at a site for which it is more directly responsible, chemicals that remain after decades of mosquito control operations on the south side of the airport, off Clyde Morris Boulevard.

Mosquito control relocated its operations to New Smyrna Beach two years ago, after more than 40 years at the location. Now airport officials hope to attract an aviation-related business for the site, adjacent to a 600-foot by 210-foot-wide aviation ramp.

But first, to get the property in a "suitable state" for development, an environmental assessment was conducted, which found "minor levels" of fuel contamination where trucks were fueled and pesticides in the soil where trucks were washed, Cooke said. The county removed the contaminated soil, hauling 96 truckloads to the landfill.

As soon as the county receives clearance from state environmental officials, the resulting hole will be filled with 1,700 cubic yards of replacement soil, said Cooke. To date, the project has cost the county \$136,643.

Now the county must install monitoring wells to determine whether the groundwater on site is contaminated. Once testing in the wells comes up "clean," the wells will be removed and construction can go forward for a potential tenant. Cooke said he expects the county to have "a clean bill of health" within a year.

At a third location, cleanup continues at a site first identified in the early 1990s as containing chlorinated solvents, a group of chemicals commonly found in cleansers and degreasers. Cooke said that contamination also may date back to World War II.

The state has been working with the county on site assessment and cleanup since 1992, said George Houston, with the Florida Department of Environmental Protection.

"Site assessments are hard," Houston said. Planning for cleanup began in earnest in 2006, Cooke said.

A first phase of cleanup was completed in July, according to a report filed in August by Environmental Consulting & Technology Inc. So far, Cooke said, the county has spent about \$562,660.

The county contractor applied more than 3,000 pounds of a product called CarBstrate, which serves as food for naturally existing bacteria on the site that can break down the solvents. Carey said it allows the bacteria to multiply faster and grow larger to consume more of the old solvents.

Early testing results were "extremely encouraging," the consultant reported. The product is supposed to continue working to de-chlorinate the solvents in the months to come. The consultant recommended allowing at least six to nine months for the process to continue before doing more monitoring tests.

Carey said the county is working with state environmental officials to determine the next steps.

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## Chinese Drywall Complaint Center Says Identifying Knauf Tianjin Or Taishan Chinese Drywall Must Be #1 Priority For All 2005-2006 US Gulf States Homeowners

Washington, DC (Vocus) September 27, 2010

The Chinese Drywall Complaint Center is warning homeowners living in 2005-2006, new, or remodeled home in Florida, Alabama, Mississippi, Louisiana, and the metro areas of Houston, and Austin, Texas, that their problem could be toxic Chinese drywall, if they have had numerous AC coil failures, electrical issues, and severe allergy type symptoms. The group says, "time really is running out to get Knauf Tianjin toxic Chinese drywall, and now a specific type of toxic Chinese drywall called Taishan identified to the Federal Court in New Orleans, and we can help. If you have just received a letter from your home builder about possibly having toxic Chinese drywall, please call us immediately at 866-714-6466." Why does the Chinese Drywall Complaint Center have worries about homeowners receiving letters from their homebuilders, about 2005-2006 toxic Chinese drywall, in their homes, in the metro areas Houston, and Austin, Texas, in all of Florida, Alabama, Mississippi, and Louisiana? The group says, "while we are not a law firm, nor is this an attempt to practice law, we fear homebuilders are going to go super cheap on Knauf Tianjin Chinese drywall repairs. We think a homeowner would be much better off in the lawsuit against the actual maker of this toxic Chinese drywall, and we can help you get identified to the court." For more information homeowners really should contact the Chinese Drywall Complaint Center at 866-714-6466, or contact the group via its web site at <http://ChineseDrywallComplaintCenter.Com> (<http://ChineseDrywallComplaintCenter.Com>)

The Chinese Drywall Complaint Center says, "if you Google, Bing, or Yahoo search, Knauf Tianjin Chinese Drywall Florida, Alabama, Mississippi, Louisiana, or Texas, we dominate all the landing pages, we have the same intent for Taishan Chinese drywall-formerly called Shandong Taihe Dongxin. We need to get these homeowners identified now." The Chinese Drywall Complaint Center is warning US homebuilders who have specific knowledge of toxic Chinese drywall in Florida, Alabama, Mississippi, Louisiana, Texas, or any other US state to be honest with their homeowners. The group says, "we know about the homebuilder phoney environmental firms, we know about homebuilders blowing off homeowners, who have toxic Chinese drywall in their homes, we know about specific homebuilders using undocumented workers to fix these houses in Florida, and Texas, and we are demanding the US DOJ get involved now." The group says, "we also know President Obama, and his administration has this issue on ignore. Afghanistan will not be your legacy-----its going to be toxic Chinese drywall in tens, and tens of thousands of US homes, and your pathetic failure to help these completely innocent US citizens." <http://ChineseDrywallComplaintCenter.Com> (<http://ChineseDrywallComplaintCenter.Com>)

What are the best symptoms for toxic Chinese drywall, and or imported Knauf Tianjin imported Chinese drywall in 2005-2006 Florida, Louisiana, Alabama, Mississippi, and especially the metro areas of Houston & Austin, in Southeast Texas subdivisions? The Chinese Drywall Complaint Center says, "we think repeated AC coil failures, combined with severe health symptoms are the best indicators. But, our biggest problem is getting the word out-especially in subdivisions. If you have these symptoms, just call us at 866-714-6466, and we will walk you, and hopefully your neighbors through a very simple self examination." [Http://ChineseDrywallComplaintCenter.Com](http://ChineseDrywallComplaintCenter.Com)

(United States District Court-Eastern District of Louisiana MDL Case #2047).

###

### Contact Information

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866-714-6466

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## Boynton officials sought control over grants

by: SUSAN HYLTON World Staff Writer  
Sunday, September 26, 2010  
9/26/2010 5:08:14 AM

BOYNTON - Officials in Boynton - a town entangled in a nepotism controversy and alleged violations of the Open Meeting and Open Records acts - have made efforts this year to gain direct control over federal grants to improve the town's overflowing sewer system and operate the volunteer fire department.

The town of 274 was awarded a \$70,000 Community Development Block Grant through the state Department of Commerce earlier this year to make sewer system improvements, records show.

The Eastern Oklahoma Development District was going to administer the grant, but Boynton officials requested that the contract's administration be handled by Pam Borens, a grant writer for the town, said Vaughn Clark, director of community development for the state Department of Commerce.

The contract would have devoted \$4,200 to administrative costs, records show.

A June 8 letter to Mayor Marie Wilson from the Department of Commerce explains the responsibilities for the town "assuming the administration" of the CDBG funds as opposed to the development district.

The letter states that if the administrator is an employee of the town, the administrative costs can only be incurred at the level of the employee's salary and time committed to the project.

"All requested public administration funds must be put into the town's general fund and are not allowed to be paid directly to the town employee acting as the administrator," the letter states.

"It is highly recommended that the administration is carried out by someone with prior CDBG experience."

The \$70,000 grant was originally for sewer system improvements, but a later engineering revision included projects totaling \$749,000 to address environmental violations, according to Department of Commerce records.

The jump in costs prompted the Department of Commerce to put a hold on the grant until officials could learn more details, Clark said.

At a technical assistance visit to Boynton in August, Department of Commerce officials discovered the cost increase is associated with a state Department of Environmental Quality consent order to resolve environmental issues at its lagoon wastewater treatment plant, which is experiencing overflows of untreated water, according to the agency's records.

"The new budget does NOT have sufficient money in place to meet the revised scope of the project. Commerce will NOT release any funds UNTIL a new engineering report and revised budget is submitted," the memo states.

One of the lines between two of the lagoons is either collapsed, plugged or laid on the wrong grade, said DEQ spokeswoman Skylar McElhaney. She said the department has approved an engineering report to address the problem.

"The next step is for the town's engineer to draw up plans and specifications for the project and submit them for a review in order to obtain a DEQ construction permit," McElhaney said.

It is unclear if Boynton officials have identified any other funding source to help them resolve the DEQ consent order.

The Boynton Volunteer Fire Department receives an operational grant of about \$5,000 each year from the state Department of Agriculture.

Town administrator Melvin Easley has attempted to have those grant funds come directly to the town instead of to the Boynton Volunteer Fire Department, authorities have confirmed.

Earlier this month, Muskogee County authorities said Easley attempted to obtain fire department funds by going to the bank in Morris, where he was asked to leave by bank officials.

Easiley, Wilson and others went to Oklahoma City seeking the fire department's operational grant, said state agriculture department spokesman Jack Carson.

"Due to some investigation on the part of the (Muskogee County) District Attorney, our office of general counsel is doing some research making sure it would be proper and legal to direct taxpayer funds to that city," Carson said.

"It usually goes to the volunteer organization."

Fire Chief Scott McClain said he is uncomfortable with the town administering the funds.

McClain said the town is obligated to remit routine payments to the fire department from a \$1 fee added to local water bills. He said that in three years, the town has sent only two checks to the department, totaling \$225.

"The reason why we're leery of them controlling the purse strings is because of their track record of paying bills," McClain said. "For years they didn't want to pay anything for the fire department, so we just stepped up and made sure everything is getting paid."

Easiley says the fire department isn't legitimate because most of its firefighters live outside Boynton and will not fight fires at the homes of black residents.

McClain said it doesn't matter if firefighters live outside the town limits. He pointed out that two of the town's police officers live out of town, and Easiley lives in Tulsa.

McClain said recent fires were fought at the homes of two black residents, including Calgary Smith. Smith confirmed a grass fire was battled by volunteer firefighters.

"The fire department has always responded to fires wherever they are and whenever they are called. It's never been a case of fighting fires based on race," McClain said.

Town trustee Claiborne Lang alleges the fire department won't allow black volunteers to serve.

"He is wrong," McClain said. "I've never stopped anyone from being on because they were black."

McClain said there are 18 volunteers; 15 are white, and three are black. The fire district includes Boynton city limits and the surrounding rural areas.

McClain has accused Easiley of "throwing that race thing around."

Easiley has previously blamed various investigations of the town on "Klansmen."

Ernie Moore, executive director of the Eastern Oklahoma Development District, said if the fire funds did go directly to the town, they would have to go into a separate account.

The fire department would submit purchase orders to the town in order to receive funds, Moore said.

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**Original Print Headline: Officials tried to gain grant control**

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**Associate Images:**

[guardian.co.uk](http://guardian.co.uk) | TheObserver

## GM food battle moves to fish as super-salmon nears US approval

Consumer groups fear green light for engineered species will bring environmental disaster to the oceans

- [Artificial meat? Food for thought by 2050](#)
- [The case for GM fish is hard to stomach](#)

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**Jamie Doward**

The Observer, Sunday 26 September 2010

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A genetically modified salmon, rear, and a non-genetically modified salmon, foreground. Photograph: AP  
Buried in a prospectus inviting investors to buy shares in a fledgling biotech company is an arresting claim attributed to the UN's [Food](#) and Agriculture Organisation.

"Commercial aquaculture is the most rapidly growing segment of the agricultural industry, accounting for more than \$60bn sales in 2003. While land-based agriculture is increasing between 2% to 3% per year, aquaculture has been growing at an average rate of approximately 9% per year since 1970."

And then the prospectus for the US company AquaBounty offers this observation to tantalise prospective investors: "The traditional fishery harvest from the ocean has stagnated since 1990."

So what is to be done to satisfy the world's seemingly insatiable appetite for fish? An appetite that will see the consumption of farmed fish outpace global beef consumption by nearly 10% within five years, according to the UN?

AquaBounty, whose shares are sold on London's Alternative Investment Market, thinks it has the answer. And if, as looks increasingly likely, the US government agrees, the implications for global food production will be enormous. Welcome to the new world heralded by the "[GM](#) salmon".

The company's dream of selling [genetically modified salmon eggs](#) that allow the fish to grow to maturity in half the normal time received a giant fillip last week when it

announced that the US Food and Drug Administration (FDA) was close to granting approval.

A positive FDA response would see salmon become the first GM-engineered animal marketed for human consumption. Dramatically speeding up the time it takes to harvest a mature salmon could stimulate a huge rise in production, making salmon plentiful and cheaper, GM enthusiasts say.

AquaBounty expects to receive the nod by the end of this year, meaning GM salmon could be on supermarket shelves within three years. The company's share price doubled on the strength of the announcement.

But the euphoria the company and its investors experienced following last week's announcement quickly evaporated amid a furious backlash from consumer groups.

"The furore over this fish puts paid once and for all to the myth that US consumers are content eating GM food," said Eve Mitchell, European food policy adviser at Food and Water Watch Europe, which opposes GM food. "Consumers are not, and in fact jammed up the White House telephone lines last week protesting any approval. Quite understandably the salmon industry is not happy either, as people will simply avoid all salmon rather than risk getting this stuff. Only those who stand to gain financially think this is a good idea."

Predictably, vested fishing interests have waded into the row. Local radio stations from Ireland to Canada carried interviews with angry fishermen who fear that initial reluctance to consume GM salmon will be overcome by simple economics. "Genetically modified food is just a bad deal," a commercial fisherman in Charleston, South Carolina, told his local station. "This will attack our marketplace. It'll come on the market so cheap that people will buy it, because we're all on a budget."

Ronald Stotish, AquaBounty's chief executive officer, is keen to play down these particular fears. His company is more interested in selling its technology to the burgeoning markets of Chile, China and Asia rather than competing with Atlantic fishermen. "The global salmon market is very, very large and the opportunity is in areas that cannot raise salmon," Stotish told the *Observer*. "We don't believe it need threaten any national markets, particularly for the high-value premium markets. We are hopeful that people don't regard us as an economic threat, but simply look to us as a technology that maybe can become part of the future."

If Stotish, a biochemist by training and an urbane advocate for his cause, succeeds, other companies are waiting in the wings to exploit similar GM technologies. AquaBounty itself is looking at GM trout, according to its prospectus, and has conducted trials on catfish. Up to six other species of fish – including tilapia and cod – are viewed by biotech companies as ripe for genetic modification, according to experts.

Not that Stotish enjoys being the vanguard of a GM food revolution. "It would be far easier to be the third or fourth or fifth [company to bring a GM animal to market]. If you are the first, you attract all of the attention and the burden of attention falls to you. It's a difficult position for a small firm like us."

AquaBounty is also battling dire warnings that its chief product threatens the natural food chain. The company's genetic technology ensures that more than 98% of its salmon cannot reproduce, Stotish says. In addition, the eggs it produces (which are all female thus ensuring the GM fish cannot reproduce among themselves) will be sold only to strictly monitored growers operating fish farms under licence from the FDA.

"This biological and physical containment almost certainly guarantees no interaction with wild salmon," Stotish pledged, pointing out that about 95% of the world's salmon is already produced in farms.

But Helen Wallace, of the [anti-GM group GeneWatch](#), said she had serious concerns. "AquaBounty admit that they expect more than 1% of their fish to be able to reproduce," Wallace said. "If, as they intend, they end up producing large numbers of eggs, that's a large risk." Escaped GM salmon could "outcompete" its wild counterpart by reproducing earlier and threatening its food supply. Some researchers have suggested that even a small number of escaped GM salmon could cause extinction of wild populations in as little as 40 generations.

With potentially weak constitutions, the new salmon might then struggle to adapt to life outside captivity. Food and Water Watch goes as far as to suggest the GM salmon "may only last long enough in the wild to prevent natural populations from reproducing, leading to a total extinction of salmon in open waters".

Escapes are not uncommon. In March, nearly 100,000 farmed Atlantic salmon escaped into the wild from just one hole in a net at a UK fish farm.

Such concerns take place against the backdrop of a much wider battle between pro-GM groups and an increasingly vocal organic movement. GM crop production is promoted aggressively on the grounds that it can help eliminate global hunger and bring down food prices. Opponents claim the promised GM revolution that saw crops made resistant to potent herbicides – something that could dramatically reduce farmers' spraying time – has resulted in the rise of superweeds across vast tracts of US farmland.

Experts said they had been expecting the battle over GM food to move to fish for some time because they are easier to modify. Stotish said his company was focused purely on aquaculture. But GM pork already looks a real possibility. The Enviropig, a trademarked pig that has been genetically modified to excrete less polluting phosphorous in its faeces, has been developed by researchers in Canada. Genetically modified chickens capable of laying eggs containing proteins needed to make cancer-fighting drugs have been created by Scottish scientists.

A goat that produces a spider's web protein – paving the way for silk to be farmed – is under development. GM goats have also been raised to produce human breast milk and to deliver a special protein for people whose blood cannot flow smoothly. And then there is the GloFish, a [genetically modified fluorescent zebrafish](#) that, according to its sales blurb, would grace any aquarium and comes in three "striking colours" – starfire red, electric green and sunburst orange.

But amid the rush to spread GM's reach and scope, at least one government has recently had second thoughts. Muhyiddin Yassin, Malaysia's deputy prime minister, last week announced his government would not be releasing genetically modified male Aedes mosquitoes capable of sterilising female mosquitoes. "We must consider several aspects of the proposed release, including its impact on the environment," Yassin said. "In addition, the release of the mosquitoes must be endorsed by several international organisations."

For GM opponents, the U-turn was a cause for celebration, a sign that politicians still accept that the technology carries massive risks. But the ultimate victory in the argument about genetically modified food comes down to the invisible hand of the market. Both sides agree it is significant that none of the big GM technology companies such as Monsanto is attempting to create GM meat or fish, preferring to focus on more



lucrative GM crop production.

"The process of genetically modifying animals has been a commercial failure," Wallace said. "Too many scientists and small biotech companies have engineered animals just because they can, without thinking through the technical, economic, marketing, animal welfare, environmental or social issues."

Yet Stotish senses opportunity for his fledgling industry. "Once the [GM] technology was adapted for plant systems, the size of that opportunity dwarfed the efforts on the animal side. We've lagged behind." If the FDA gives the green light to GM salmon, expect a frantic game of catch-up.

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## THE RISE OF GM

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**1980** First biotechnology patent granted: US researchers awarded a patent that allows them to make human insulin from genetically modified bacteria.

**1982** US government approves tests to evaluate how genetically engineered bacteria can control frost damage in potatoes and strawberries.

**1986** The US Environment Protection Authority approves the first GM crop - a virus-resistant tobacco plant.

**1990** The first successful field trial of GM herbicide-tolerant cotton is conducted in the USA. In the same year the first GM dairy cow is created.

**1994** The first genetically engineered food product, the Flavr Savr tomato, receives US Food and Drug Administration approval.

**2002** Researchers sequence the DNA of rice, the first crop plant to have its genome decoded.

**2003** UK approves a GM herbicide-resistant corn used for cattle feed.

**2005** Cow genome sequence published.

**2006** GM rice approved for human consumption in the US.

**2007** Scottish researchers genetically modify chickens to lay eggs capable of producing drugs that fight cancer.

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Everything New Orleans

## Brad Pitt's Make It Right houses are challenging the way New Orleans homeowners think about solar energy

Published: Sunday, September 26, 2010, 8:19 AM Updated: Sunday, September 26, 2010, 7:47 PM



Richard Thompson, The Times-Picayune

Before settling back on Tennessee Street, Ann Parfaite heard from neighbors that her future home, loaded with green building features like solar panels and rain-water collectors, would help cut her electricity bills by a third or more.



The Times-Picayune

Solar panels on the roof of Make It Right houses in the 9th Ward significantly reduce energy bills.

"I was hoping they were telling me the truth," said Parfaite, who purchased a three-bedroom, two-bath home last year in **Brad Pitt's Make It Right development in the Lower 9th Ward**, built in the same place Parfaite had lived for more than four decades until her home was destroyed when Hurricane Katrina hit New Orleans five years ago,

Her neighbors, it turns out, were right.

Parfaite says her monthly power costs are a fraction of what she used to pay. Last month, her power bill

hovered around \$80. In cooler months like April and May, or October and November, when temperatures begin to level out, her bills stay around \$40.

Collins Foots, who lives just up the block, has been likewise impressed.

"Sometimes, my bill will be \$24 or \$25, even in these hot summer months," said Foots, a retired truck driver who lives by himself in a similar setup on Tennessee Street, which he purchased from the nonprofit in late 2008.

### **\$8.69 August energy bills**

A few of their neighbors have paid even less: By May, Make It Right houses had operated at or near net-zero energy consumption 27 different times, meaning a homeowner generated almost as much, or more, electricity than necessary to power the home, said spokeswoman Taylor Royle.

Citywide, Entergy New Orleans, which stands to lose money if many people switch to solar, has counted 25 houses to hit that self-sustaining plateau in the three years since the so-called "net meters" became available.

"It could have been as little as one time, and some of it could have been multiple times," said Jolen Stein, a spokeswoman for Entergy New Orleans.

Those households pay only the electric base rate and additional general fees approved by the City Council, which would have totaled \$8.69 in August.

In a city where the average family income barely topped \$37,000 last year and 23 percent of people live below the poverty line, the potential savings could make a big difference, observers say, especially as recent government research showed the New Orleans metropolitan area's median monthly cost of housing has risen nearly 33 percent, from \$662 in 2004 to \$882 in 2009.

Their low bills come as most residents in southeastern Louisiana have seen a slight increase in their recent utility expenses, because of the rising price of natural gas and above-average temperatures for much of the summer, the peak power usage season.

What's more, a third of the 150 specialty meters installed in New Orleans have been set up in homes in the Lower 9th Ward, according to Entergy New Orleans, sending a signal to local housing officials and renewable energy advocates that solar and other energy-efficient technologies are beginning to take hold in the rebuilding city.

"It's really just an outstanding accomplishment for any city in the country," said Beth Galante, executive director of the New Orleans office of Global Green USA. "But particularly New Orleans, five years after Hurricane Katrina, and of course the Lower 9th Ward."

## Keeping power use in check

The success of the new energy-efficient technologies being installed, however, depends to some extent on the commitment of homeowners to keeping their power usage in check.

And duplicating the same high-design standards on a larger scale will be a challenge, according to Jon Luther, executive vice president of the Home Builders Association of Greater New Orleans.

"I think it's a misconception to think that we've arrived," Luther said. "We're not even close, in my viewpoint, and I think what would help is to get more people in the private industry involved."

For its part, **Entergy officials have spent years preaching to customers about managing their power use more efficiently**, and the utility offers energy-saving solutions for customers, like on-site energy assessments and weatherization tips.

Since the Make It Right homes are all built to the same green construction standards under a nationally recognized rating system, known as Leadership in Energy and Environmental Design, or LEED, project officials say that if one home can achieve net zero with its energy consumption, they all can.

Realistically, they say, reaching that environmental utopia will depend on the conservation habits of homeowners.

Pitt, the actor and part-time French Quarter resident who has become a passionate advocate for rebuilding the storm-ravaged neighborhood, hopes to build 150 of the storm-resistant, energy-efficient houses in the years to come.

"I think the Make it Right is a great example of somewhat altering the preconceived notion that solar energy is intended for upper-class citizens," said Pierre Moses, a product analyst in the construction department of the project. "I think that the benefits of solar extend much further with low-income families in distressed neighborhoods, because of that huge decrease in disposable income on a monthly basis."

Solar panels are not the sole reason that the more than three-dozen homes in the development are capable of becoming net zero, according to renewable energy advocates.

To help reduce utility costs, they recommend installing insulation; sealing air leaks; upgrading appliances; and keeping thermostats at 78 degrees, because each degree below that increases bills by 3 percent.

## 'Gets them really excited'

But in some cases, the allure of solar panels proves to be the hook for getting local residents to take on more modest improvements, said Forest Bradley-Wright, senior program director at the Alliance for Affordable Energy.

"I've seen a strong interest in doing something about those energy bills, and people really take to the notion of solar power," he said. "So when folks come to learn from our workshops, they generally want to know about solar. It's what gets them really excited."

And after exploring solar technologies, renewable energy advocates like Bradley-Wright often steer conversations with homeowners to other energy-efficiency techniques, "which maybe just isn't quite as exciting," he said, laughing.

That's evident in the design of the Make It Right homes, which incorporate a range of energy-saving technologies. "We pride ourselves on having a pretty strong thermal barrier around all of our houses," Moses said. "That's important when you're trying to meet standards like LEED platinum, like we've mandated in our project."

And when a homeowner generates more electricity than is necessary to power the home in a month, unused credits roll over to the next month, which can help during the swing from spring to summer, or fall to winter. Solar power production also generally remains strong in the spring and fall, even though temperatures are more moderate during those seasons.

"They can usually get a lot of extended benefits from their solar in the spring and the fall, when their home's energy consumption is down, but their solar production is as high as it was in the other months," Moses said. "You'll see a bigger dip in energy consumption during those seasons, but the solar will stay pretty linear."

Tax credits have also served as a draw for some Louisiana homeowners, which refund as much as 50 percent of the first \$25,000 spent on a range of technologies, including solar hot water and electric as well as wind generators. Federal tax credits cover up to 30 percent of the cost of a system.

Usually, most homeowners in the Make It Right development will roll over "a couple hundred" kilowatt hours from one month to the next, which Moses estimated can add up to \$50 to \$60 in savings. "It all depends on the energy consumption of the home," he said.

### **Green spreading, but slowly**

The New Orleans metropolitan area has lost 13 percent of its housing stock since the 2005 hurricane, according to the federal Department of Housing and Urban Development, and as the city comes to terms with its massive blight problem, local environmentalists, home builders and renewable energy advocates say the Make It Right development has been a model for further rebuilding, with more and more developers including solar as a standard in their projects.

"It was a wonderful catalyst process, not just for that, but for people throughout the city to really start to learn what green building is, and how it can save so much money and make everyone so much healthier," said Global Green's Galante.

In 2006, Global Green began developing a multi-use community in Holy Cross that included energy-saving measures such as solar panels on all the buildings, high-efficiency air conditioners and heating units, weather sealing to prevent loss of cool air in summer and heat in winter and energy-saving appliances.

So far, five single-family houses have been built, and in the coming months, Galante expects to start offering the homes for sale in the \$130,000-to-150,000 price range.

Though it's still unoccupied, one of the houses, built in 2008, has been running at net-zero throughout the year, Galante said, with hotter summer and cooler winter months offset by the additional energy generated in the spring and fall.

Two years later, Foots said he has learned a lot about energy-efficiency, just from hanging around the house.

"I really didn't know too much about solar," he said, "but now that I've experienced it, I think everybody should have it on their house."

*Richard Thompson can be reached at [rthompson@timespicayune.com](mailto:rthompson@timespicayune.com) or 504.826.3496.*

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## Dioxin rules could hurt recovery

 By **BILL HAMMOND**  
**HOUSTON CHRONICLE**  
 Sept. 26, 2010, 9:14PM

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Hundreds of top scientists from around the world convened recently in San Antonio for a conference concerning the family of chemicals called dioxins and discussed new research and public policy implications.

Meanwhile, back in Washington, D.C., the U.S. Environmental Protection Agency is using a regulatory approach to dioxin to try to answer the question, "How many bureaucrats does it take to crush a recovery?"

The EPA is trying to test this question with new proposed regulations that would change existing standards related to dioxin in dirt, making them hundreds of times stricter than those that have been used in the past for cleaning up Superfund and other contaminated sites. By changing these standards, sites that were already cleaned up under the older standards would have to be retested, and those that do not meet the new criteria would have to be retreated or re-excavated,

probably at public expense.

The potential costs in money and disruptions to communities are currently unknown, but based on previous experience, they are not likely to be cheap. The new rules will affect state and municipal budgets, communities, businesses and individual property values, and deter investors and lenders from developing once-contaminated "brownfields" properties.

Apparently the federal government has not noticed that as a result of the recession, states are being forced to cut services and lay off employees so they can balance their budgets with shrinking tax revenues. Given the budget crises in many states, including Texas, new mandates of this type may have very serious consequences. Texas is facing a \$18 billion budget shortfall, and state agencies have been instructed to plan for a 10 percent reduction on top of last year's 5 percent cuts.

In this difficult and unstable economic climate, states and local governments do not have millions to spend recleaning soil that has already been cleaned once. The EPA's failure to put its decisions into the context of the many significant challenges we face gives the impression the agency lives in an *Alice in Wonderland* world, where priorities are upside down. Perhaps it is not surprising that a majority (52 percent) of Americans rate the job being done by EPA as only fair or poor, according to a survey conducted by The Pew Research Center this past March.

The public has little confidence in the agency, partly because of its lack of perspective about what is important and what will do more harm than good.

This soil initiative might make sense if it were clear it would produce an improvement in human health. Unfortunately, this is not the case. There is no evidence that the public is experiencing any health problems from exposure to dioxin in soil at the levels at which it is currently found. And, regulations already in place have been extremely successful, reducing dioxin from man-made sources by 92 percent since 1987, according to EPA data. Without further changes in regulations, dioxin in the environment will continue to decline.

In addition, the National Academy of Sciences is skeptical about the methodology the EPA is using to evaluate dioxin and recommends a different approach that is used by the World Health Organization and other national bodies. So, despite the lack of compelling evidence that anyone is at risk, EPA is using questionable assumptions to set targets that the Soil Science Society of America has called unrealistic.

The agency needs to rethink its priorities and come up with a more reasonable and scientifically defensible approach, or better yet, simply leave it (and us) alone.

*Hammond is president of the Texas Association of Business.*

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## Learning from

by: JANET PEARSON Associate Editor  
Sunday, September 26, 2010  
9/26/2010 4:21:19 AM

Mayor Dewey Bartlett's new plan to pursue Arkansas River development ensures that Tulsa's long, troubled love affair with the river will continue into the foreseeable future.

To be sure, lots has been done along our sleepy, prairie river. It's been transformed from an uninviting, even scary place to one of the region's most popular destinations.

But lots more could be done, if Tulsans could just get together on a big-picture plan.

It seems we Tulsans just have a commitment problem when it comes to our river.

In announcing his river crusade, Bartlett alluded to our checkered history of achievement. "Let us learn from what did not work before and try once again to harness the natural beauty that graces our doorstep," he said.

Good idea. Let's look back and see what we can figure out.

### Rolling on the river

We've come a long way from the days of Indian ferries and steamboats, once common on the Arkansas.

By the early 1900s, Tulsa leaders recognized the importance of a wagon bridge over the river. A 1903 bond issue that would have funded the project was defeated by voters, but undaunted city leaders built the project anyway through the toll approach. This marked the start of what would become a pattern of sorts: Even after voters rejected a river improvement, the powers that be sometimes found another way to do it.

More bridges followed, and eventually, in 1964, the Keystone Dam was completed, curing a serious flooding problem and allowing Tulsans to dream even bigger. During this era, an idea was born that continues to inspire and intrigue Tulsans today: urban lakes.

Throughout the 1960s lake plans evolved. The final proposal called for three inflatable, rubberized dams and 14 miles of shoreline amenities. Though there was keen interest in the idea, voters weren't ready to pay for it: An \$18.3 million bond issue that would have funded the three dams and land acquisition was defeated in 1969 by a 70-30 percent margin.

Lake plans were shelved for a time, but boosters didn't give up on the river. During the '70s thousands enjoyed the Great Raft Races, a wildly popular annual event sponsored by KRMG Radio that eventually ran its course because of weather and liability issues, among others.

### New authority

City and county leaders came to recognize the need for a governing body to oversee the recreational facilities increasingly favored by the public. Their collaboration led to the creation of the River Parks Authority in 1974; since then it has overseen the development of dozens of amenities up and down the shoreline. One of its first successes was the creation of the Pedestrian Bridge, still a popular attraction near 31st Street and Riverside Drive. Other projects, including a model park, playground, trail, parking and overlook, helped increase the visibility of the river and the viability of even more development.

Soon after the authority came into being, so did another plan. The Harrover plan, named for the architect who created it, called for multiple amenities on and connecting to the river: a pedestrian walkway to downtown, fountains, an amphitheater, a marina, specialty shops, a floating restaurant, a museum and planetarium.



While the public seemed to support the plan, funding was elusive. Enter the Tulsa Urban Renewal Authority, which, through a partnership with River Parks, help provide funding for some early phases of the Harrover plan.

By the late '70s, the steady drumbeat for more improvements led to the inclusion of a low-water dam in the first third-penny sales-tax election. The sales-tax plan failed at the polls in 1979, in the view of many because of the inclusion of the controversial dam. Voters later approved a revised third-penny package minus the dam project.

Despite the failure of the first sales-tax plan, then-Mayor Jim Inhofe would not give up on the dam idea. He and his staff concocted a plan that was perhaps the most controversial of any river proposal to date, but it got the job done. He assembled urban renewal lands on the river's west bank and at two other sites, sold them to a developer and put the funds toward a dam and lake. Private sources helped provide additional needed funding. By the mid-1980s, Zink Lake had become a reality just south of downtown.

Over the years other elements of the Harrover plan have been added: a permanent festival site, a floating stage, many more trails, playgrounds, parking lots, more pedestrian bridges and numerous sculptures. The addition of the Turkey Mountain Wilderness Area in the late '70s was a major new attraction.

### **Lessons learned?**

The growing popularity of the river during the '80s and '90s kept development dreams alive and eventually led to the comprehensive river development plan now on the books. That plan calls for a variety of amenities and recreational offerings all up and down the river, from Sand Springs to Bixby.

While the public sector developed that plan, a private group of Tulsans also was hatching an unprecedented plan for developing not only along the river but into the river itself. But the ambitious Channels plan never received widespread public support, in part because of the expensive price tag: The \$788 million total project cost included a request for \$600 million in public funding.

Meanwhile, local leaders, in concert with local philanthropists led by businessman George Kaiser, put together a more modest proposal, based on the comprehensive plan, which called for projects to be sprinkled from Sand Springs to Tulsa to Jenks. It was to be funded by \$282 million in public sources and \$117 million in private money.

Put to a countywide vote in October of 2007, the proposal passed in the city of Tulsa but went down to defeat because of pockets of opposition. It didn't help that several city councilors and a prominent state senator were involved in opposition efforts.

Though that plan failed, all is not quiet on the river these days. A beautiful, user-friendly trail system is advancing thanks to funding from the George Kaiser Family Foundation. Some preliminary lake planning is progressing thanks to some small funding sources, and local leaders are hopeful that \$50 million in authorized federal funding earmarked for dams will be forthcoming soon.

So what have we learned?

- That public propositions to fund major river developments may not fare well;
- That opposition from even small bands of opponents can doom a public proposal;
- That major projects still can advance to completion even without voter approval;
- That incremental, project-by-project advances are much more achievable than massive, large-scale plans;
- That just about everyone has a vision for the river. We just can't seem to agree on what the shared vision should be. Achieving general consensus is one lesson that still eludes us.

**Associate Images:**



**A bird sits in the Arkansas River. City officials are planning to pursue development on the river - again.  
MIKE SIMONS/Tulsa World file**



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## N.M. plans to create state-run wild horse preserve

**Barry Massey - Associated Press Writer | Posted: Sunday, September 26, 2010 12:02 am**

MADRID, N.M. -- Cattle grazed for decades on the Ortiz Mountain Ranch and its rocky range dotted with pinion, juniper and cholla cactus, but New Mexico plans to bring back another inhabitant that has disappeared from much of the Western landscape -- wild horses.

Gov. Bill Richardson's administration is buying the 12,000-acre ranch near this former coal mining town to create the first state-run preserve for wild horses.

The proposal is drawing praise from activists trying to save wild horses, but it has run into opposition because of Richardson's idea for financing the deal. He intends to spend \$2.8 million in federal economic stimulus money to acquire the land.



"The money should be used for people versus animals, as far as I'm concerned, given the financial condition the state is in," said Democratic Sen. John Arthur Smith, chairman of the Senate committee that handles the budget.

Other critics include the candidates for governor, Republican Susana Martinez and Democrat Diane Denish, a two-term lieutenant governor under Richardson, who is term-limited.

In the last two years, New Mexico has cut spending by more than \$800 million -- about 14 percent -- to balance the budget as revenues dropped because of the slumping economy.

A new round of budget cuts took effect this month. Just a day before Richardson touted the wild horse sanctuary at a news conference at the ranch, the Democratic governor's administration sent notices to lower-income families that about 7,000 children will have child-care subsidies eliminated.

But Richardson dismissed criticism of his wild horse proposal, saying "it's an excellent use of stimulus dollars."

"It's going to increase tourism and jobs, and that's what the stimulus is for," said Richardson.

Richardson and his supporters envision the state's wild horse sanctuary as an "eco-tourism" draw and a chance for people to see a herd of wild horses only a 30-minute drive from the trendy restaurants and art galleries of nearby Santa Fe.

"It's a very smart plan," said John Holland of Shawsville, Va., president of the Equine Welfare Alliance and a harsh critic of the federal government's management of wild horse herds on public lands across the West.

"If we continue the way we're going, the wild horses are history," said Holland.

The Bureau of Land Management estimates more than 38,000 horses and burros roam across 10 Western states, with about half in Nevada. An additional 35,000 animals have been removed from the range and most are in long-term holding centers in Oklahoma, Kansas, South Dakota and Iowa.

Three herds of wild horses, with a combined population of about 500, are on federal lands in New Mexico, according to the Forest Service and BLM, which contend the land can support no more than half that number. The largest herd is in northern New Mexico on Forest Service and Jicarilla Apache Nation lands.

Holland said government estimates of horse numbers are unreliable, but a report to Congress put the wild horse population in the early 1970s at more than 6,000 in New Mexico and ten times that number nationally.

New Mexico's ranch purchase must clear a final hurdle -- approval from the State Board of Finance. However, Richardson should be able to push the deal through because he serves as the board's president and appoints a majority of its members.

The administration plans to expand a state park with the ranchland, but it's uncertain how many of the 12,000 acres will be set aside for the horse preserve, according to Jodi Porter, spokeswoman for the Energy, Minerals and Natural Resources Department.

Also unanswered is how many wild horses will be kept at the property. Other questions include where the horses will come from, the yearly cost to operate the preserve and how the state will control the herd's growth. Richardson suggested the state will operate a wild horse adoption center.

The state expects it will take 12 to 16 months -- well after Richardson leaves office on Dec. 31 -- to develop a master plan for managing the expanded park and preserve.

BLM spokesman Hans Stuart said there's been discussions with the state about the agency supplying a breeding population of horses for the preserve, but the Richardson administration hasn't made a formal proposal.

If BLM provides horses, he said, the agency would prepare an environmental impact statement, provide an opportunity for public comment and determine how many horses could be kept on the property, given the condition of the semiarid rangeland.

For Richardson, there's a personal bond with horses. He owns a horse named Toby and occasionally rides in the mountains near Santa Fe. He once appeared in a campaign commercial riding a horse and dressed as a Western sheriff.

The governor describes the purchase of the ranch as a "long term investment" that will help save a part of the West's heritage.

"What we're doing here is protecting the environment ... leaving a legacy for future generations of New Mexicans and protecting the wild horses and mustangs that somehow our government has not been as hasty in protecting," Richardson said at the ranch last week.



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## 2010 THE VOTE: Energy Q&A

Staff Reports

Saturday, September 25, 2010

**The following questions related to energy issues relevant to Texas were asked of both candidates:**

**Placement of wind generators has been divisive in some communities where some residents welcome them as revenue producers and others oppose them as eyesores that devalue property. What role should the state take in regulating placement and removal of these structures?**

**PERRY:** I have always been a proponent of private property rights. We do not need new rules. Rules have evolved to address removal of non-running turbines. We do not want to tell owners they cannot use their land.

Placement of wind generators has been divisive in some communities where some residents welcome them as revenue producers and others oppose them as eyesores that devalue property. What role should the state take in regulating placement and removal of these structures?

**WHITE:** People need private property rights. Sound ecological studies should be done to respect the rights of property owners. There should be clear rules and use of existing right-of-ways if possible.

**You have expressed your opposition to cap and trade. What would you do to keep it from coming about:**

**PERRY:** Under cap and trade, Texas would have to bear substantial negative effects. It would cost \$1,200 per household. Hundreds of jobs would be lost. It would be the death of energy industry in Texas. It is my priority to keep this tax hike, this tax-crushing monster, from becoming law. This is an unprecedented intrusion into our economy. I promise we will use every means available to us to stop this. Obama himself has said that if cap and trade passes, electricity rates would skyrocket. It is too intrusive into our country. This energy bill is based on discredited science. The administration is out of touch with reality.

**WHITE:** I believe there are extensive costs and possibilities for unintended consequences (under cap and trade). I would talk to representatives and senators on

both sides. I have proposed three things that we must do to make our energy more secure and sustainable: create energy efficiency in buildings, continue to improve energy efficiency in transportation, use more natural gas as part of our power supply.

**The EPA has rescinded air emission permits for some Texas facilities. What do you believe is the best way to get those permits reinstated or the requirements for them removed?**

**PERRY:** It is important for the people of the state to understand this administration (Obama's) is targeting a 16-year-old emission policy that does get good results. The Texas Air Control program performs highly in every category. The EPA is irresponsible to disapprove our program and to threaten Texas jobs. It will have the impact of shutting down churches and businesses.

I will continue to fight this. I support the lawsuit the attorney general has filed (against the EPA's action).

**WHITE:** I believe we can resolve the impasse with the EPA. This all started during the Bush administration with the TCEQ (Texas Commission on Environmental Quality). They didn't sit down and find common ground with the EPA. This is a crisis manufactured by Perry for his book on states' right. A governor should not lose his authority in the first place.

**What, if any, steps should Texas take to protect itself environmentally and economically in the event an incident such as the BP offshore rig explosion should threaten this state?**

**PERRY:** I have asked a substantial group, along with NASA, to come together to establish a Gulf project to make sure offshore drilling is safe. We will learn from our mistakes. People are finding ways to solve our problems — the moratorium just exacerbates the economic damage. This administration stopping all offshore drilling does not solve or find answers. Even a judge said you don't shut down aviation after one accident.

**WHITE:** There needs to be sound and knowledgeable standards crafted in large by knowledgeable industry officials for deepwater drilling. We need a petroleum consortium to develop standards. On all sides we should make sure there are fair and reasonable standards where Texas has jurisdiction.

**President Barack Obama wants to end tax breaks for "big oil" and divert that money into developments of cleaner fuel technologies. How do you propose protecting Texas' oil and gas interests against that possibility?**

**PERRY:** This is emblematic of a Washington approach to energy policy, where they think that it is their job to pick winners and losers. Washington would do well to look at what we've done here in Texas, where renewable energy and the oil and gas industry

are thriving side by side. At the same time that Texas is producing 30 percent of the nation's natural gas and 20 percent of the nation's crude oil production. We have also installed more wind power than any other state.

**WHITE:** The oil and gas industry should not be discriminated against in taxing authority. I have fought against it. Intangibles ought to be expensible, such as dry hole costs — just like a retail company can expense those sorts of items. It is inappropriate to single out one industry.

**Increasing energy needs have sometimes pitted companies against individuals, such as in the Barnett Shale exploration where drilling encroached on urban neighborhoods, and in proposed construction of wind-energy transmission lines that would encroach on private property. What would you propose to ensure adequate energy while protecting individual rights?**

**PERRY:** The state is growing by 1,000 people per day. Landowners can voice their concerns. It is a difficult task. The PUC (Public Utilities Commission) is able to balance economic and private property issues, transmission line issues, and address them properly.

**WHITE:** The best thing is to have clear leadership that communicates what the alternatives are and what citizens might expect. In the cases where citizens in suburban areas have seen large scale flaring (burning off of petroleum waste products), there should have been an open discussion by knowledgeable regulators appointed by the governor so community groups and citizens could find the right balance.

**Given that Texas' growth often stresses the capacity for electricity generation, what do you see as a workable plan for the future? Construction of more nuclear plants? New coal plants? Should the need for added capacity take precedence over the effort toward cleaner production?**

**PERRY:** It is absolutely correct that we will have to build more power plants to meet our needs. I have long been a supporter of an energy mix. We need to expand nuclear, clean coal and renewable, and natural gas plants. Each will provide us with the power that we need.

**WHITE:** The most effective way to reduce costs of new generation is common sense energy efficiency. We need bipartisan support in the Legislature on energy codes. We need to promote Texas-based renewables and domestic (natural) gas as opposed to using more coal.







## Renewable Energy Conference on Wind Power: Registration is Open to the Public

Houston, TX (PRWEB) September 24, 2010

The Wind Alliance will hold its Fall 2010 Conference in Albuquerque, New Mexico on November 3-4, 2010. The conference (<http://www.thewindalliance.org/Fall-2010.aspx>) will feature a unique networking dinner at the Albuquerque Museum of Art and History, with cocktails and a Latin trio for entertainment. The focus of the conference is to update attendees on wind research activities from the U.S. National Labs. Collaborative opportunities within workforce, technology and infrastructure will be presented and discussed at the conference.

Speakers from prominent U.S. National Labs will present latest findings:

- Jose Zayas, Program Manager for Wind and Water Technologies Department at Sandia National Laboratory
- Paul Veers, Chief Engineer at The National Renewable Energy Laboratory
- Audun Botterud, Energy Systems Engineer in the Center for Energy, Environmental and Economic Systems Analysis at Argonne National Laboratory
- Harold Brooks, Research Meteorologist at National Severe Storms Laboratory

Committees will meet on the first day of the conference. Committee chairs and co-chairs will report on current projects and lead audience discussion regarding future opportunities. Committee meetings are open to all attendees.

- Workforce Committee meeting features Chair, Sam Holmes, III, Senior Technology Manager of Shell WindEnergy, Inc and Co-Chair, Andrew Swift, Director, Wind Science and Energy Research Center
- Technology Committee meeting features Chair, Carsten Westergaard, Director, Global Technology Vestas Technology R&D Americas and Co-Chair, John Pappas, Wind Center Director at Texas A&M University
- Infrastructure Committee meeting features Chair, Peter Lorenz, President, Quanta Services and Claire Henkhaus, Associate Director of The Wind Alliance

Additionally, John Pappas, Wind Center Director at Texas A&M University will lead a ground-breaking discussion on The Wind Alliance's new offshore plan for the Gulf of Mexico. This comprehensive plan outlines methodologies to quickly implement profitable offshore wind energy production for the United States.

Please join us. Space is limited. Find a link for registration (<http://www.thewindalliance.org/Fall-2010.aspx>) at: [www.TheWindAlliance.org](http://www.TheWindAlliance.org).

### About The Wind Alliance

The wind industry needs standards and resources that do not currently exist. The Wind Alliance is a national collaboration of over 50 entities in industry, academia and the public sector. We are working together to solve unsolved problems within the areas of workforce, technology and infrastructure. We are designing and implementing precompetitive solutions to catapult the industry forward. As our unique organization focuses on project development and execution (we do not lobby or attempt to influence policy), we are complementary to AWEA and other wind organization.

For information about membership, see [www.TheWindAlliance.org](http://www.TheWindAlliance.org) or call us at 713-600-9994.

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